FEDERAL REGISTER

VOLUME 10 NUMBER 48

Washington, Thursday, March 8, 1945

The President

EXECUTIVE ORDER 9529

REINSTATING PAUL H. ALLING IN THE FOREIGN SERVICE OF THE UNITED STATES

NOTE: Executive Order 9529, dated March 3, 1945, was filed with the Division of the Federal Register as Document No. 45–2019 (NP) on March 6, 1945, at 2:50 p. m.

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

PART 10—FEDERAL LAND BANKS

CONDITIONAL PAYMENTS

Part 10 of Chapter I, Title 6, Code of Federal Regulations is hereby amended by amending §§ 10.238, 10.241, 10.241–50 and 10.242, and by adding §§ 10.241–20, 10.241–30, 10.241–60, 10.241–70 and 10.241–80 to read as follows:

§ 10.238 *Conditional payments; unrelated loans.* In those cases in which a borrower has indebtedness to the bank, the Corporation, or both, which is not secured by the same or common real property, determination should be made by the bank, on the basis of the facts in each case, as to the indebtedness or indebtednesses on which conditional payments are to be accepted and held for subsequent credit. When conditional payments are accepted in these cases, they shall be subject to all the provisions of the regulations in this part governing conditional payments insofar as practicable.

§ 10.241 *Application of conditional payments not involving transfers between the bank and the Corporation.* Subject to any limitations contained in the Federal Farm Loan Act, the bank shall apply conditional payments on the borrower's indebtedness in connection with which they are held, or on other indebtedness to the bank when such indebtedness is secured by the same or common real property, in accordance with the following terms and conditions:

(a) As the borrower may direct in writing, the bank shall pay out of conditional payments held for the borrower's credit any portion of the indebtedness to the bank on regular installment dates; and, upon the written request of the borrower, the bank may, at any time, pay out of conditional payments held for the borrower's credit any portion of the indebtedness to the bank.

(b) At its option the bank may pay out of conditional payments held for the borrower's credit on his bank indebtedness any portion of the indebtedness to the bank as and when the same becomes due and payable.

(c) If at any time the balance of unapplied conditional payments held for a borrower's credit together with the interest allowance thereon equals or exceeds the total amount of the indebtedness, the whole indebtedness shall become due and payable at once and shall be paid out of such balance.

(d) In the event of the borrower's death or bankruptcy, or in the event of transfer of the indebtedness by the bank or conveyance of title to the property securing the indebtedness by the borrower, the bank at its option may apply all or any portion of the conditional payments held for the borrower's credit on the indebtedness.

§ 10.241–20 *Application; unrelated loans.* At the borrower's written request the bank may pay out of conditional payments held for the borrower's credit, any portion of the borrower's indebtedness to the bank that is not secured in whole or in part by the same property securing the indebtedness to which the funds were allocated when received.

§ 10.241–30 *Conditional payments held by Corporation.* The provisions of §§ 10.241 and 10.241–20 shall apply with equal force to any application on the borrower's indebtedness to the Corporation from the conditional payments held by the Corporation for the borrower's credit; for this purpose the term "Corporation" shall be substituted for the term "bank".

§ 10.241–50 *Transfer of conditional payments from bank to Corporation;*

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THE PRESIDENT

REGULATIONS AND NOTICES

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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same security. Conditional payments held for the credit of the borrower on his bank indebtedness shall be applied on the borrower's indebtedness to the Corporation, which is secured in whole or in part by the same real property securing the indebtedness to the bank, in accordance with the following terms and conditions:

(a) At the borrower's written direction the bank shall pay out of conditional payments held for the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation, as and when the same becomes due and payable.

(b) At the option of the bank and with the consent of the Corporation, the bank may pay out of conditional payments held for the borrower's credit on his bank indebtedness, any portion of the borrower's indebtedness to the Corporation as and when the same becomes due and payable.

(c) If at any time the total of unapplied conditional payments held for a borrower's credit on his indebtedness to both the bank and the Corporation together with the interest allowance thereon equals or exceeds the total amount of his indebtedness to the Corporation, at the discretion of the bank, upon written direction from the borrower and with the consent of the Corporation, the whole indebtedness to the Corporation may be regarded as having become due and payable at once and may be paid out of such total payments.

§ 10.241–60 *Transfer of conditional payments from bank to Corporation; different security.* In any case in which a borrower has indebtedness to the bank and the Corporation which is not secured by the same or common real property, at the borrower's written request and with the consent of the Corporation, the bank may, out of conditional payments held for the borrower's credit on his bank indebtedness, pay any portion of the borrower's indebtedness to the Corporation, as and when the same becomes due and payable, or, if at any time the total of unapplied conditional payments held for a borrower's credit on his indebtedness to both the bank and the Corporation together with the interest allowance thereon equals or exceeds the total amount of his indebtedness to the Corporation, the whole indebtedness to the Corporation may be regarded as having become due and payable at once and may be paid out of such total payments.

§ 10.241–70 *Transfer of conditional payments from bank to Corporation; interest adjustment.* The bank shall make transfers, which are within the purview of §§ 10.241–50 and 10.241–60, in the full amount required to take up the indebtedness to the Corporation and no reimbursement for interest credited thereon as of the date of transfer or prior installment dates shall be made to the bank by the Corporation; *Provided, however,* That if the indebtedness to the Corporation to which the payment is to be applied bears a higher effective rate of interest than the indebtedness on which the payments were held unapplied, then the Corporation shall allow a simple interest credit at the difference in such rates for the period(s) such differences existed or the period(s) such payments were held unapplied by the bank, whichever is the lesser, and the bank shall transfer an amount which, together with the simple interest credit allowed by the Corporation, will take up the indebtedness. The first amount accepted as conditional payments by the bank shall be considered as the first amount paid out of the conditional payments either on the indebtedness to the bank or on the indebtedness to the Corporation.

§ 10.241–80 *Transfer of conditional payments from Corporation to bank.* The provisions of §§ 10.241–50, 10.241–60 and 10.241–70 shall apply with equal force to any application on the borrower's indebtedness to the bank from the conditional payments held by the Corporation for the borrower's credit; for this purpose the terms "bank" and "Corporation" shall be read conversely.

§ 10.242 *Disposition of unapplied conditional payments.* When the balance of unapplied conditional payments held by the bank together with interest allowance thereon is reduced to $10 or less, at its option the bank may apply such balance on the borrower's indebtedness to the bank, subject to notification to the borrower of such action and reversal if he so requests. Any balance of unapplied conditional payments together with interest allowance thereon held in connection with the borrower's indebtedness shall be refunded to the borrower by the bank when the indebtedness is paid in full; *Provided, however,* That amounts of conditional payments held by the bank for the credit of a borrower who is indebted also to the Corporation, may, at the written direction of the borrower, be transferred to the Corporation, when the borrower's indebtedness to the bank is paid in full. Such payments transferred shall be subject to an interest allowance by the Corporation, in accordance with §§ 10.239 (1) and 10.241–70. The provisions of this section shall apply with equal force to the disposition of balances of conditional payments held unapplied by the Corporation; for this purpose the terms "bank" and "Corporation" shall be read conversely.

(Sec. 4, 39 Stat. 363, sec. 17, 50 Stat. 708; 12 U.S.C. 676, 781 "Eighteenth")

[SEAL] J. A. SMITH,
Acting Land Bank Commissioner.

[F. R. Doc. 45-3599; Filed, Mar. 6, 1945; 3:12 p. m.]

TITLE 7—AGRICULTURE

Chapter IV—War Food Administration (Crop Insurance)

PART 416—1945 CORN CROP INSURANCE REGULATIONS

The Federal Crop Insurance Program is part of the general program of the United States Department of Agriculture and the War Food Administration administered for the benefit of agriculture.

By virtue of the authority vested in the Federal Crop Insurance Corporatiton by the Federal Crop Insurance Act, as amended, and in order to determine the most practical plan, terms, and conditions of insurance with respect to corn, these regulations are hereby published and prescribed to be in force and effect with respect to a trial insurance program on the 1945 corn crop, until amended or superseded by regulations hereafter made.

MANNER OF OBTAINING INSURANCE

INSURANCE COVERAGE

PREMIUM FOR INSURANCE CONTRACT

LOSS

PAYMENT OF INDEMNITY

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

REFUNDS OF EXCESS NOTE PAYMENTS

ESTABLISHMENT OF MAXIMUM AMOUNT OF INVESTMENT INSURANCE PER ACRE, AVERAGE YIELDS AND PREMIUM RATES

GENERAL

AUTHORITY: §§ 416.1 to 416.45, inclusive, issued under sections 506 (e), 507 (c), 508, 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U. S. C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 52 Stat. 835, 55 Stat. 255, and Public Law 551, 78th Cong., approved December 23, 1944; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783.

MANNER OF OBTAINING INSURANCE

§ 416.1 *Availability of corn crop insurance.* (a) Corn crop insurance will be offered in 1945 in accordance with the regulations in this part in not to exceed twenty counties, which shall be selected by the Board of Directors of the Corporation as representative of the several areas where corn is normally produced. Such insurance will be offered in the form of investment insurance and yield insurance. Investment insurance shall not exceed 75 percent of the investment in the crop, as determined by the Corporation. Yield insurance shall be either 50 or 75 percent of the recorded or appraised average yield for the farm. The Corporation may offer one or more than one plan of insurance in any selected county, but the producer may insure his interest in the crop under only one such plan.

(b) Insurance will not be provided in any county unless written applications for insurance on crops authorized to be insured are filed covering at least fifty farms, or one-third of the farms normally producing these crops.

§ 416.2 *Application for insurance.* Application for insurance, on a form prescribed by the Corporation, may be made by any person to cover his interest as landlord, owner, tenant, or sharecropper, in a corn crop to be planted for harvest in 1945. An application shall cover the applicant's interest in the corn crop on all insurance units located, or considered for crop insurance purposes to be located, in the county, in which the applicant has an interest at the time of the planting of the corn crop. Applications shall be submitted to the office of the county association on or before May 1, 1945, or the beginning of planting of the corn crop, whichever is earlier.

§ 416.3 *Acceptance of applications by the Corporation.* (a) Upon acceptance of an application by a duly authorized representative of the Corporation, the insurance contract shall be in effect, provided such application is submitted in accordance with the provisions of the application and of the regulations in this part, including any amendments thereto. The applicant's copy of the accepted application shall be mailed to him.

(b) The Corporation reserves the right to reject any application for insurance with respect to any one or more of the insurance units covered by the application, or to limit the insurance on the applicant's interest in any insurance unit covered by the application.

INSURANCE COVERAGE

§ 416.4 *Insured corn.* When an application for corn crop insurance is accepted, the corn which will be insured under the contract will be corn planted for harvest as grain in the calendar year 1945, including only corn which is normally regarded as field corn. The contract will not provide insurance for true type silage corn or corn planted solely for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

§ 416.5 *Insurance period.* Insurance with respect to any insurance unit shall attach at the time the corn is planted, except that insurance shall not attach with respect to any acreage put to another use before it is too late to replant to corn, as determined by the Corporation. Insurance shall cease with respect to any portion of the corn crop upon harvesting, or removal from the insurance unit, whichever occurs first, but in no event shall the insurance remain in effect later than December 31, 1945, unless such time is extended in writing by the Corporation.

§ 416.6 *Maximum amount of insurance.* (a) The maximum amount of investment insurance for each insurance unit under the contract shall be the product of (1) the insured acreage, (2) the maximum amount of investment insurance per acre established by the Corporation for the insurance unit, and (3) the insured interest in the crop at the time of planting. If more than one maximum amount of investment insurance per acre has been established for the insurance unit, the maximum amount of investment insurance shall be computed separately, using the applicable acreage for each maximum amount of investment insurance per acre, and the total of such computed amounts shall be the maximum amount of investment insurance for the insurance unit.

(b) The maximum amount of yield insurance for each insurance unit under the contract shall be the product of (1) the insured acreage, (2) the average yield per acre, (3) the insured percentage (50 or 75 percent) and (4) the insured interest in the crop at the time of planting. If more than one average yield has been established for the insurance unit, the maximum amount of yield insurance shall be computed separately, using the applicable acreage for each yield, and the total of such computed amounts shall be the maximum amount of yield insurance for the insurance unit.

§ 416.7 *Amount of insurance at the various stages of production.* The amount of insurance (either investment or yield) for each insurance unit at the various stages of production shall be as follows:

(a) 100 percent of the maximum amount of insurance on any acreage harvested and on any acreage released by the Corporation for the purpose of feeding the corn in the field to livestock, if so fed, or released by the Corporation for ensilage or fodder purposes, if so used.

(b) 85 percent of the maximum amount of insurance on the acreage released by the Corporation if the damage occurs after it is too late to replant to insurable corn, as determined by the Corporation, but prior to the time of harvest, and no other use is made of such acreage for the purpose of producing a crop in 1945.

(c) 50 percent of the maximum amount of insurance on the acreage released by the Corporation if the damage occurs after it is too late to replant to insurable corn, as determined by the Corporation, and other use is made of such acreage for the purpose of producing a crop in 1945.

§ 416.8 *Corn planted for purposes other than grain.* In the event the insured plants corn which is not insurable, he shall state the acreage so planted on his acreage report of all corn (whether insurable or not) planted, which is to be submitted to the county committee. Upon receipt of this report and with the approval of the Corporation, the acreage used in computing the premium and the amount of insurance will not include such acreage. However, the total production from any corn harvested from such acreage shall be considered as corn produced on the insured acreage in determining a loss under the contract, unless the insured keeps such corn separate from the corn harvested on the insured acreage or keeps separate records of such corn to the satisfaction of the Corporation.

§ 416.9 *Causes of loss insured against.* The insurance contract shall cover loss due to unavoidable causes, including drought, flood, hail, wind, frost, winterkill, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and such other unavoidable causes as may be determined by the Board of Directors of the Corporation.

§ 416.10 *Causes of loss not insured against.* The contract shall not cover loss caused by the neglect or malfeasance of the insured or of any person in his household or employment or connected with the farm as tenant, sharecropper, or wage hand; nor shall it cover losses caused by theft, domestic animals, use of defective or unadapted seed, failure properly to prepare the land for planting, or properly to plant, care for, or harvest the insured crop, including any loss due to breakdown of machinery or equipment, or by failure to replant insurable corn in areas and under circumstances where the Corporation determines it is customary to replant. In addition, where insurance is written on an irrigated basis, the contract shall not cover losses caused by failure properly to apply irrigation water to the insured corn in proportion to the amount of water available for all irrigated crops, failure of irrigation equipment due to mechanical defects, failure to provide adequate casing or properly to adjust the pumping equipment in the event of a lowering of the water level in pump wells, or any other such loss not due entirely to unavoidable causes. Also, the contract shall not cover loss caused by planting corn on land of poorer average quality than the average quality of land used in establishing the amount of insurance for the insurance unit and premium rate, planting a variety of corn different from the variety considered in establishing the amount of insurance for the insurance unit and premium rate, following a fertilizer or other practice different from that considered in establishing the amount of insurance for the insurance unit and premium rate, or planting corn under conditions of immediate hazard without adjustment of the amount of insurance and premium

rate; nor shall it cover loss due to planting corn on a portion of the insurance unit where the farming hazards differ materially from the farming hazards for the acreage considered in establishing the amount of insurance and premium rate for such unit. Likewise, the contract shall not cover loss caused by inability to obtain labor, fertilizer, machinery, repairs, or insect poisons, as a result of war or other conditions.

PREMIUM FOR INSURANCE CONTRACT

§ 416.11 *Amount of premium.* The premium for each insurance unit under the contract shall be determined by multiplying the insured acreage for the insurance unit by the premium rate per acre (a cash rate in the case of investment insurance and a bushel rate in the case of yield insurance) and by the insured interest in the crop at the time of planting. If more than one premium rate has been established for the insurance unit, a premium shall be computed separately using the applicable acreage for each rate, and the total of the amounts so computed shall be the premium for the insurance unit. The premium for the insurance contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract. The premium with respect to each insurance unit shall be regarded as earned when the corn crop on the insurance unit is planted, except that no premium shall be regarded as earned on any acreage put to another use before it is too late to replant to insurable corn, as determined by the Corporation. The minimum premium payable by the insured with respect to any insurance contract shall be three bushels of corn, in the case of yield insurance, and $3.00, in the case of investment insurance.

§ 416.12 *Manner of payment of premium.* (a) Each applicant for insurance shall sign a note (a cash note, in the case of investment insurance, or a commodity note, in the case of yield insurance) in the form and manner prescribed by the Corporation. Such note shall represent a promise to pay the Corporation the total premium for all insurance units covered by the insurance contract and shall be payable on or before November 30, 1945. Such note or unpaid portion thereof shall bear interest after maturity at the rate of one-half of one percent for each calendar month or fraction thereof, except that no interest shall be charged on any amount paid within two calendar months after maturity.

(b) Payment on a cash note, in the case of investment insurance, may be made in cash only.

(c) Payment on a commodity note, in the case of yield insurance, may be made in whole or in part before maturity either in corn or cash, or both. After maturity, payment may be made only in cash. In connection with any payment before maturity, there shall be credited on the note the number of whole bushels of corn computed by dividing the payment made (the proceeds of the sale of corn if corn is paid) by the cash equivalent price per bushel for the date of payment. The amount of the note due at maturity shall be the cash equivalent thereof based on the cash equivalent price per bushel applicable for such maturity date.

(d) Any unpaid amount of any cash or commodity note (either before or after the date of maturity) may be deducted from any indemnity payable under the contract, from the proceeds of any commodity loan to the insured, and from any payment made to the insured under the Soil Conservation and Domestic Allotment Act, as amended, or any other act of Congress or program administered by the United States Department of Agriculture or the War Food Administration. Where any such deduction is made before the date of maturity of any commodity note, in the case of yield insurance, the cash equivalent of the deduction will be based on the cash equivalent price used in computing the indemnity payment or the cash equivalent price determined by the Corporation to be in effect on the day the county committee approves such loan or other payment, whichever is applicable. Such price shall also be used in determining the number of bushels of corn to be credited on such commodity note.

(e) Payments in cash shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and payments tendered shall not be regarded as paid unless collection is made. When a payment is made in corn, on a commodity note, it shall be by means of an instrument acceptable to the Corporation representing salable corn.

LOSS

§ 416.13 *Notice of loss or damage of corn crop.* Unless otherwise provided by the Corporation, if a loss is probable, notice in writing shall be given the Corporation at the office of the county association immediately after any material damage to the insured crop and before the crop is harvested, removed, or any other use is made of it. Any such notice shall be given in time to allow the Corporation to make appropriate inspection.

§ 416.14 *Released acreage.* (a) Any insured acreage on which the corn crop has been destroyed or substantially destroyed may be put to another use only with the consent of the Corporation; and, if such acreage is not to be used to produce a crop in 1945, the Corporation shall appraise the yield that would be realized if the damaged crop remained for harvest. No insured acreage shall be considered as put to another use as long as any corn on such acreage is remaining for harvest. On any acreage where the corn has been partially destroyed but not released by the Corporation, proper measures shall be taken to protect the crop from further damage. There shall be no abandonment of any crop or portion thereof to the Corporation.

(b) The corn crop on any insured acreage may be put to a use other than harvest as grain only with the consent of the Corporation, subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested: *Provided, however,* That such appraisal shall not be less than 15 percent of the maximum amount of insurance for such acreage if the corn crop is released for the purpose of feeding to livestock in the field and is so used.

§ 416.15 *Time of loss.* Loss, if any, shall be deemed to have occurred at the completion of harvesting of the insured crop or December 31, 1945 (unless such time is extended by the Corporation), whichever occurs first, unless the Corporation determines that the corn crop was destroyed or substantially destroyed earlier, in which event the loss shall be deemed to have occurred on the date so determined by the Corporation. The corn crop shall be deemed to have been substantially destroyed if the Corporation determines that it has been so badly damaged that farmers generally in the area, where the farm is located and on whose farms similar damage occurred, would not further care for the crop or harvest any portion thereof.

§ 416.16 *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a form and in the manner prescribed by the Corporation, a statement in proof of loss containing such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than sixty days after the time of loss, unless the time is extended in writing by the Corporation. It shall be a condition precedent to any liability under the insurance contract that the insured establish that any loss for which claim is made has been directly caused by one or more of the hazards insured against by the insurance contract during the term of the contract, and that the insured further establish that the loss has not arisen from or been caused by, either directly or indirectly, any of the hazards not insured against by the insurance contract.

§ 416.17 *Amount of loss.* (a) In the case of investment insurance, the amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of insurance under the contract for such insurance unit less (1) the insured interest under the contract in the cash value of the corn harvested, (2) the insured interest under the contract in the cash value of the appraised production of corn left in the field after harvest, (3) the insured interest under the contract in the cash value of the appraised production of corn not harvested on any acreage released by the Corporation and not put to another use for the purpose of producing a crop in 1945, and (4) the insured interest under the contract in the appraised production of corn on any acreage not released by the Corporation and not harvested, which shall not be less than the insured's maximum amount of insurance on such acreage: *Provided, however,* That, if all or any part of the loss is due to causes not insured against, such amount of insurance shall be reduced by the cash value of the insured interest under the contract in the corn which the

Corporation determines was lost from such causes: *Provided, further,* That, if the planted acreage of insurable corn on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be computed by prorating the cash value of the production on the plant acreage to determine the cash value of the production applicable to the insured acreage. The cash value for the purposes of this section shall be based on the market value per bushel of corn as determined by the Corporation, taking into account the applicable Commodity Credit Corporation loan rate, the average price per bushel received for any insured corn sold by the insured, and the local market price per bushel.

(b) In the case of yield insurance, the amount of loss for which indemnity will be payable with respect to any insurance unit will be the amount of insurance under the contract for such insurance unit, less (1) the insured interest under the contract in the corn harvested, (2) the insured interest under the contract in the appraised production of corn left in the field after harvest, (3) the insured interest under the contract in the appraised production of corn not harvested on any acreage released by the Corporation and not put to another use for the purpose of producing a crop in 1945, (4) the insured interest under the contract in the number of bushels of corn established by appraisal to represent the production of corn which the Corporation determines is unmerchantable as corn, and (5) the insured interest under the contract in the appraised production of corn on any acreage not released by the Corporation and not harvested, which shall not be less than the insured's maximum amount of insurance on such acreage: *Provided, however,* That if all or any part of the loss is due to causes not insured against, such amount of insurance shall be reduced by the insured interest under the contract in the number of bushels of corn which the Corporation determines was lost from such causes: *Provided, further,* That, if the planted acreage of insurable corn on the insurance unit exceeds the insured acreage on such unit, as determined by the Corporation, the loss for which indemnity will be payable shall be computed by prorating the production on the planted acreage to determine the production applicable to the insured acreage.

(c) Where the insured fails to establish and maintain separate records of acreage or production for the component parts of a combination of two or more insurance units or portions thereof, the insurance contract may be voided by the Corporation and the premium forfeited by the insured: *Provided, however,* That if all the component parts of the combination are insured the total maximum amount of insurance for the component parts shall be considered as the maximum amount of insurance for the combination, and any loss for such combination shall be determined as outlined in paragraph (a) or (b) of this section.

PAYMENT OF INDEMNITY

§ 416.18 *When indemnity payable.* The amount of loss for which the Corporation may be liable with respect to any insurance unit covered by the insurance contract shall be payable within thirty days after satisfactory proof of loss is approved by the Corporation. However, if payment of any indemnity is delayed for any reason beyond the time specified, the Corporation shall not be liable for interest or damages on account of such delay.

§ 416.19 *Indemnity payment.* (a) Any indemnity due under an investment insurance contract will be paid by the issuance of a check payable to the order of the person(s) entitled to such payment under the regulations in this part.

(b) Any indemnity due under a yield insurance contract will be paid by the issuance of a certificate of indemnity which shall bear an expiration date. Settlement under such certificate will be made in cash or corn in accordance with the regulations in this part. Such certificate may also be used to obtain a loan from the Commodity Credit Corporation, if loans on certificates of indemnity are available, in accordance with instructions issued by the Commodity Credit Corporation.

(c) In case of a cash settlement under a certificate of indemnity, the cash equivalent of the indemnity shall be the number of bushels of corn specified in the certificate of indemnity multiplied by the cash equivalent price per bushel for the day the insured's request is received or the expiration date of the certificate, whichever occurs first. A cash settlement under a certificate of indemnity made more than 14 days after the issuance of the certificate shall be subject to a deduction for a reasonable charge for storage and handling and the schedule of such charges shall be shown on the certificate of indemnity.

(d) Any indemnity payable under an insurance contract shall be paid to the insured or such other person as may be entitled to the benefits of the insurance contract under the provisions of the regulations in this part, notwithstanding any attachment, garnishment, receivership, trustee process, judgment, levy, equity, or bankruptcy directed against the insured or such other person, or against any indemnity alleged to be due to such person; nor shall the Corporation or any officer, employee, or representative thereof be a proper party to any suit or action with reference to such indemnity or the proceeds thereof nor be bound by any judgment, order, or decree rendered or entered therein. No officer, agent, or employee of the Corporation shall, because of any such process, order, or decree, pay or cause to be paid, to any person other than the insured or other person entitled to the benefits of the insurance contract, any indemnity payable, or any amount due in settlement of any certificate of indemnity in accordance with the provisions of the insurance contract. Nothing herein contained shall excuse any person entitled to the benefits of the insurance contract from full compliance with, or performance of, any lawful judgment, order, or decree with respect to the disposition of any sums paid thereunder as an indemnity.

(e) The Corporation shall provide for the posting in each county at the county courthouse of a list of indemnities paid for losses on the 1945 corn crop on farms in such county.

§ 416.20 *Adjustment in connection with indemnity payments for yield insurance.* Where an adjustment is made under a yield insurance contract in the amount of an indemnity, settlement for such adjustment may be made on the basis of a cash equivalent price per bushel other than that used in making settlement under the certificate of indemnity originally issued.

§ 416.21 *Other insurance.* If the insured has or acquires any other insurance against substantially all the risks that are insured against by the Corporation under the insurance contract on the crop or portion thereof covered in whole or in part by such insurance contract, regardless of whether such other insurance is valid or collectible, the liability of the Corporation shall not be greater than its share would be if the amount of its obligations were divided equally between the Corporation and such other insurer. In any case where an indemnity is paid to the insured by another Government agency because of damage to the corn crop, the Corporation reserves the right to determine its liability under the insurance contract taking into consideration the amount paid by such other agency.

§ 416.22 *Subrogation.* The Corporation may require from the insured an assignment of all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

§ 416.23 *Creditors.* An interest existing by virtue of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or any other process shall not be considered an interest in an insured crop within the meaning of the regulations in this part.

PAYMENT OF INDEMNITY TO PERSONS OTHER THAN ORIGINAL INSURED

§ 416.24 *Indemnities subject to all provisions of insurance contract.* Indemnities payable to any person shall be subject to all provisions of the insurance contract, including the right of the Corporation to deduct from any such indemnity the unpaid amount of the note of the original insured for the payment of the earned premium or any other obligation of the insured to the Corporation: *Provided, however,* That in case of a transfer of an interest in an insured crop, such deduction to be made from an indemnity payable to the transferee shall not exceed the premium due on the insurance unit or units involved in the transfer, plus the unpaid amount of any other obligation of the transferee to the Corporation. Any indemnity payable to any person other than the original in-

sured as a result of a transfer, or otherwise, shall be subject to any collateral assignment of the insurance contract by the original insured.

§ 416.25 *Collateral assignment of right under insurance contract.* The right to an indemnity under an insurance contract may be assigned by the original insured as collateral security for a loan or other obligation of such insured. Such assignment shall be made by the execution of a form prescribed by the Corporation and, upon approval thereof by the Corporation, the interests of the assignee will be recognized if an indemnity is payable under the insurance contract, to the extent of the amount determined to be the unpaid balance of the amount (including interest and other charges) for which such assignment was made as collateral security: *Provided, however,* That (1) payment of any indemnity will be subject to all conditions and provisions of the insurance contract (including any deductions authorized under § 416.24), and (2) payment of the indemnity may be made by check payable jointly to all persons entitled thereto and such payment shall constitute a complete discharge of the Corporation's obligation with respect to any loss under the insurance contract. The Corporation's approval of an assignment shall not create in the assignee any right other than that derived from the assignor. The Corporation shall in no case be bound to accept notice of any assignment of the insurance contract, and nothing contained in any assignment shall give any right against the Corporation to any person other than the insured, except to an assignee approved by the Corporation. Only one such assignment will be recognized in connection with the insurance contract, but if an assignment is released, a new assignment of the right to an indemnity under the insurance contract may be made.

§ 416.26 *Payment to transferee.* In the event of a transfer of all or a part of the insured interest in a corn crop before the beginning of harvest or the time of loss, whichever occurs first, the transferor shall immediately notify the Corporation thereof in writing at the office of the county association. The transferee under such a transfer shall be entitled to the benefits of the insurance contract with respect to the interest so transferred, subject to any assignment made by the original insured in accordance with § 416.25: *Provided, however,* That an involuntary transfer of an insured interest in a corn crop solely because of the existence of a debt, lien, mortgage, garnishment, levy, execution, bankruptcy, or other process shall not entitle any holder of any such interest to any benefits under the insurance contract: *Provided, further,* That the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than would have been paid if the transfer had not taken place. If, as a result of any such transfer, diverse interests appear with respect to any insurance unit, the indemnity, if any, payable with respect to such unit may be paid jointly to all persons having the insured interest in the crop at the time harvest is commenced or the time of loss, whichever occurs first, or to one of such persons on behalf of all such persons, and payment in any such manner shall constitute a complete discharge of the Corporation's liability with respect to such unit under the insurance contract.

§ 416.27 *Death, incompetence, or disappearance of insured.* (a) If the insured dies, is judicially declared incompetent, or disappears, before the time of loss, and his insured interest in a corn crop is a part of his estate at such time, or if the insured dies, is judicially declared incompetent, or disappears subsequent to such time, the indemnity, if any, shall be paid to the legal representative of his estate, if one is appointed or is duly qualified. If no such representative is or will be so qualified, the indemnity shall be paid to the persons beneficially entitled to share in the insured's interest in the crop or to any one or more of such persons on behalf of all such persons: *Provided, however,* That, if the amount of the indemnity exceeds $500, the Corporation may withhold the payment of the indemnity until a legal representative of the insured's estate is duly qualified to receive such payment.

(b) If the insured dies, is judicially declared incompetent, or disappears before the time of loss, and his interest in the crop is not a part of his estate at such time, the indemnity, if any, shall be paid to the person(s) who succeeded to his interest in the crop in the manner provided for in § 416.26.

(c) If an applicant for insurance dies or is judicially declared incompetent before any corn crop intended to be covered by insurance is planted, whoever succeeds him on the farm with the right to plant the corn crop as his heir or heirs, administrator, executor, guardian, committee, or conservator shall be substituted for the original applicant upon filing with the office of the county association, within 15 days (unless such period is extended by the Corporation) after the date of such death or judicial declaration, or before the date of the beginning of planting, whichever is earlier, a statement in writing, in the form and manner prescribed by the Corporation, requesting such substitution and agreeing to assume the obligations of the original applicant arising out of such application. If no such statement is filed, as required by this paragraph, the original application shall be void and no insurance shall be in effect with respect to the corn crop covered thereby.

(d) The insured shall be deemed to have disappeared within the meaning of the regulations in this part if he fails to file with the county committee written notice of his new mailing address within 180 calendar days after any communication by or on behalf of the Corporation is returned undeliverable at the address given in the statement in proof of loss or after such loss has been established otherwise, whichever is earlier.

§ 416.28 *Fiduciaries.* Any indemnity payable under an insurance contract entered into in the name of a fiduciary who is no longer acting in such capacity at the time for the payment of indemnity and settlement under the certificate of indemnity will be made to the succeeding fiduciary upon appropriate application and proof satisfactory to the Corporation of his incumbency. If there is no succeeding fiduciary, payment of the indemnity shall be made to, and settlement under the certificate of indemnity shall be made with, the persons beneficially entitled under the regulations in this part to the insured interest in the crop, to the extent of their respective interests, upon proper application and proof of the facts: *Provided, however,* That the settlement may be made with any one or more of the persons so entitled, and payment may be made to such person or persons in behalf of all the persons so entitled, whether or not the person to whom payment is made has been authorized by the other interested persons to receive such payment.

§ 416.29 *Determination of person to whom indemnity shall be paid.* In any case where the insured has transferred his interest in all or a portion of the corn crop on any insurance unit, or has ceased to act as a fiduciary, or has died, has been judicially declared incompetent or has disappeared, payment in accordance with the provisions of the regulations in this part will be made only after the facts have been established to the satisfaction of the Corporation. The determination of the Corporation as to the existence or nonexistence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment will be made shall be final and conclusive. Payment of any indemnity under this section shall constitute a complete discharge of the Corporation's obligation with respect to the loss for which such indemnity is paid and settled and shall be a bar to recovery by any other person.

REFUNDS OF EXCESS NOTE PAYMENTS

§ 416.30 *Refunds of excess note payments.* The Corporation shall not be required to make a refund of any excess payment made on account of a note until the acreage planted to corn on all insurance units covered by the insurance contract has been determined. The cash equivalent of any refund before the maturity date of a commodity note shall be determined on the basis of the number of bushels of corn to be refunded and the cash equivalent price for the appropriate class and grade of such corn effective for the date such payment was submitted to the Corporation. If more than one payment is made on the insurance premium, the payments shall be applied in the order of submittal to the Corporation. In computing the amount of any refund, the payments shall be considered in their inverse order and each such payment or portion thereof shall be regarded as a separate payment in determining the cash equivalent of the refund. Refunds of excess payments received on a cash note, or refunds of excess payments received on a commodity note after maturity, shall be refunded

in the actual amount of money paid to the Corporation in excess of that determined to be necessary to pay such note.

There shall be no refund of an amount less than $1.00, with respect to payments made either before or after the maturity of the note, unless written request for such refund is received by the Corporation within one year after the expiration of the contract.

§ 416.31 *Assignment or transfer of claims for refunds not permitted.* No claim for a refund, or any part or share thereof, or any interest therein, shall be assignable or transferable, notwithstanding any assignment of the insurance contract as security or any transfer of interest in any corn crop covered by the insurance contract. Refund of any excess note payment will be made only to the person who made such payment except as provided in § 416.32.

§ 416.32 *Refund in case of death, incompetence, or disappearance.* In any case where a person who is entitled to a refund of a payment has died, has been judicially declared incompetent, or has disappeared, the provisions of § 416.27 with reference to the payment of indemnities in any such case shall be applicable with respect to the making of any such refund.

ESTABLISHMENT OF MAXIMUM AMOUNT OF INVESTMENT INSURANCE PER ACRE, AVERAGE YIELDS AND PREMIUM RATES

§ 416.33 *Determination of maximum amount of investment insurance per acre.* The Corporation shall establish a maximum amount of investment insurance per acre for all farms in each county, or in each area within such county, on the basis of the average estimated per acre cost of producing a corn crop on all such farms, taking into consideration productivity, soil type, topography and farming practice: *Provided, however,* That such maximum amount of investment insurance per acre shall not be in excess of 75 percent of the average cost per acre of producing a corn crop in such county or area: *Provided, further,* That the maximum amount of investment insurance per acre for any farm shall not exceed 75 percent of the market value of the average yield per acre for the farm, as determined by the Corporation. A record of the maximum amounts of investment insurance per acre so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 416.34 *Determination of farm average yields of corn per acre.* The Corporation shall establish average yields of corn for farms on the basis of the recorded or appraised yields for a representative period of years and shall, where necessary, adjust such yields so that the average yields for farms in the same area which are subject to the same conditions shall be fair and just. A record of the average yields so established for all farms in the county shall be maintained in the office of the county association and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 416.35 *Determination of premium rates.* The Corporation shall establish premium rates for all farms in amounts deemed adequate to cover claims for corn crop losses and to provide a reasonable reserve against unforeseen losses. A record of the premium rates so established for all farms in the county shall be maintained in the office of the county associations and such record shall be open to inspection by any producer whose farm is listed thereon.

§ 416.36 *Maximum amount of investment insurance per acre, average yields and premium rates where farm varies widely in cost of production, productivity or farming hazards or where tracts of the farm are widely separated.* If the land comprising any farm consists of tracts varying widely in cost of production, productivity, topography, or farming hazards, or if tracts of the farm are widely separated, separate maximum amounts of investment insurance per acre, average yields and premium rates may be established by the Corporation for such tracts on the basis of the estimated cost of production, or on the basis of appraisal, taking into consideration the yield data available.

§ 416.37 *Maximum amounts of investment insurance per acre, average yields and premium rates for fractional parts of a farm and for farms which are combined or divided after the maximum amount of investment insurance per acre, average yields and premium rates are established.* (a) The maximum amount of investment insurance per acre, average yield and premium rate for a fractional part of a farm which is to be insured as a separate insurance unit shall be the same as those for the entire acreage considered in establishing them, except as provided in § 416.36.

(b) Where insurance units are combined after maximum amounts of investment insurance per acre, average yields and premium rates applicable to the component parts of the combination have been approved by the Corporation, and determination of the acreage planted to corn on such component parts is not feasible or practical, a maximum amount of investment insurance per acre, average yield and premium rate for the acreage comprising such combination may be established by the Corporation, provided the combination was effected before the planting of any corn on the combination. Such determinations shall be based upon the maximum amount of investment insurance per acre, average yield and premium rate for farms similar in acreage, farming practices, topography, and farming hazards, taking into consideration the maximum amount(s) of investment insurance per acre, average yield(s) and premium rate(s) for the original farm(s).

§ 416.38 *Maximum amount of investment insurance per acre, yield and rate appeals.* An applicant may appeal for a change in the maximum amount of investment insurance per acre, the yield and premium rate established under these regulations with respect to any insurance unit, in accordance with instructions issued by the Corporation.

GENERAL

§ 416.39 *Meaning of terms.* For the purpose of the 1945 Corn Crop Insurance Program, the term:

(a) "Average yield" means the average yield of corn per acre established by the Corporation for each insurance unit.

(b) "Cash equivalent price per bushel" means the net price per bushel of corn established by the Corporation for the area in which the insurance unit is located on the basis of the price of corn at the basic market designated by the Corporation for the area, with differentials for the location of the area in which the insurance unit is situated.

(c) "Cash note" means a note given for the premium on an investment insurance contract, which is payable only in cash.

(d) "Commodity note" means a note given for the premium on a yield insurance contract which is payable either in bushels of corn or the cash equivalent price per bushel thereof.

(e) "Corporation" means the Federal Crop Insurance Corporation.

(f) "Crop year" means the period within which the corn crop is planted and normally harvested, and shall be designated by reference to the calendar year in which the crop is normally harvested.

(g) "County association" means the County Agricultural Conservation Association in the county.

(h) "County Committee" means the County Agricultural Conservation Committee for the county.

(i) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also: (1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops: *Provided, however,* That for the purpose of determining the minimum participation for a crop insurance program in any county, the term "farm" means that acreage of land which constitutes an insurance unit.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located. In addition, a farm shall be considered to be located in a county for crop insurance purposes if it is listed on the crop insurance listing sheets for such county.

(j) "Harvest" means picking the corn from the stalk either by hand or machine.

(k) "Insurance contract" means the contract of insurance entered into between the applicant and the Corporation by virtue of the application for insurance and these regulations and any amendments thereto.

(l) "Insured acreage" means either the acreage reported by the insured as planted to insurable corn on the insurance unit, or the acreage determined by the Corporation as actually planted thereon, whichever the Corporation shall elect: *Provided, however,* That the Corporation reserves the right to limit the acreage to be insured. Any acreage planted to insurable corn on the insurance unit which is put to another use before it is too late to replant such corn, as determined by the Corporation, shall not be considered insured acreage.

(m) "Insured interest" means either the insured's reported interest in the crop at the time of planting, or the interest which the Corporation determines as the insured's actual interest at the time of planting, whichever the Corporation shall elect, except that for the purpose of determining loss, the insured interest shall not exceed the insured's actual interest at the time of loss.

(n) "Insured percentage" means, in the case of yield insurance, the percentage of the average yield of corn per acre for the insurance unit covered by an insurance contract, and shall be either 50 or 75 percent.

(o) "Insurance unit" means all or that portion, as the case may be, of the farm (considered for the purpose of establishing the maximum amount(s) of investment insurance per acre, the average yield(s) and premium rate(s)) in which the insured has an interest as a corn producer at the time of planting, except that when a part of such land is regularly irrigated and the remainder never irrigated, or when separate maximum amounts of insurance per acre, yields and rates have been established for widely separated parts of such land, such portions of the land shall constitute separate insurance units.

(p) "Operator" means a person who as landlord or cash tenant, or standing-rent or fixed-rent tenant, is operating a farm, or who as a share tenant is operating a whole farm.

(q) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(r) "Premium rate" means the premium rate per acre established by the Corporation for insurance on corn.

(s) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the corn crop thereon or of the proceeds therefrom.

(t) "State committee" means the State Agricultural Conservation Committee for the State.

(u) "State Director" means the representative of the Corporation in the operation of the crop insurance program in the State.

(v) "Tenant" means a person other than a sharecropper who rents land from another person (for cash, a fixed commodity payment, or a share of the crop or proceeds therefrom), and is entitled under a written or oral lease or agreement to receive all or a share of the crop or proceeds therefrom produced on such land.

§ 416.40 *Restriction on purchase and sale of corn by the Corporation.* The restriction on the purchase and sale of corn, as provided in section 508 (d) of the Federal Crop Insurance Act, as amended, reads in part as follows:

Insofar as practicable, the Corporation shall purchase the agricultural commodity only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace promptly the agricultural commodity sold to prevent deterioration: *Provided, however,* That nothing in this section shall prevent prompt offset purchases and sales of the agricultural commodity for convenience in handling. Nothing in this section shall prevent the Corporation from accepting, for the payment of premiums, notes payable in the commodity insured, or the cash equivalent, upon such security as may be determined pursuant to subsection (b) of this section, and from purchasing the quantity of the commodity represented by any of such notes not paid at maturity.

§ 416.41 *Records and access to farm.* For the purpose of enabling the Corporation to determine the loss, if any, that may have occurred under the insurance contract, the insured shall keep, or cause to be kept, for one year after the time of loss, records of the harvesting, storage, shipment, sale, or other disposition, of all corn produced on each insurance unit covered by the insurance contract. Such records shall be made available for examination by the Corporation, and as often as may reasonably be required, any person or persons designated by the Corporation shall have access to the farm. (See §§ 416.8 and 416.17 (c).)

§ 416.42 *Review of determinations of State and county committees.* Any determination by a State or county committee shall be subject to review and approval or revision by duly authorized representatives of the Corporation.

§ 416.43 *Applicant's warranties; voidance for fraud.* In applying for insurance the applicant warrants that the information, data, and representations submitted by him in connection with the insurance contract are true and correct, and are made by him, or by his authority, and shall be taken as his act. The insurance contract may be voided and the premium forfeited to the Corporation without the Corporation's waiving any right or remedy, including its right to collect the amount of the note executed by the insured, whether before or after maturity, if at any time the insured has concealed any material fact or made any false or fraudulent statements relating to the insurance contract, the subject thereof, or his interest in the corn crop covered thereby, or if the insured shall neglect to use all reasonable means to produce, care for or save the corn crop covered thereby, whether before or after damage has occurred, or if the insured fails to give any notice, or otherwise fails to comply with the terms of the contract, including the note, at the time and in the manner prescribed.

§ 416.44 *Modification of insurance contract.* No notice to any county committee or representative of the Corporation or knowledge possessed by any such county committee or representative or by any other person shall be held to effect a waiver of or change in any part of the insurance contract or to estop the Corporation from asserting any right or power under such contract; nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized officer or representative of the Corporation; nor shall any provision or condition of the insurance contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder or by any requirement, act, or proceeding, on the part of the Corporation or of its representatives, relating to appraisal or to any examination herein provided for.

§ 416.45 *Fractional units in acres and yields.* Fractions of yields per acre and premium rates shall be rounded to the nearest tenth of a bushel. Fractions of acres representing total acres of corn shall be rounded to the nearest tenth of an acre. Computations shall be carried to one digit beyond the digit that is to be rounded. If the extra digit computed is 1, 2, 3, or 4, the rounding shall be downward. If the extra digit computed is 6, 7, 8, or 9, the rounding shall be upward. If the extra digit computed is 5, the computation shall be carried to another digit. If the two extra digits are 50, the rounding shall be downward, and if the two extra digits are 51 or any higher figure, the rounding shall be upward.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on February 16, 1945.

[SEAL] E. R. DUKE,
Chairman.

Approved: March 6, 1945.

GROVER B. HILL,
First Assistant War Food Administrator.

[F. R. Doc. 45-3615; Filed, Mar. 7, 1945; 11:10 a. m.]

Chapter IX—War Food Administration (Production Orders)

[WFO 127, Revocation]

PART 1220—FEED

LIMITATIONS ON DELIVERY AND SHIPMENT OF HAY

War Food Order No. 127 (10 F.R. 2223) is hereby revoked and terminated.

This order shall become effective at 12:01 a. m., c. w. t., March 7, 1945. However, said War Food Order No. 127 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any violation thereof, or right accrued, or liability incurred thereunder.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 6th day of March 1945.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 45-3600; Filed, Mar. 6, 1945; 3:12 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter I—Aid of Civil Authorities and Public Relations

PART 107—MANUFACTURE OF DECORATIONS

SERVICE FLAG AND SERVICE LAPEL BUTTON

The following amendments and additions to the regulations contained in Part 107 are hereby prescribed.

1. Section 107.31 is amended to read as follows:

§ 107.31 *Service flag, term defined.* The term "service flag" refers to any symbol used pursuant to the act of October 17, 1942, Public Law 750, 77th Congress, for private or public display to represent that a person (or persons) is serving in the armed forces of the United States during the current war.

2. Section 107.32 (a) (8 F.R. 1914) is amended by the addition of subparagraph (5).

§ 107.32 *Design of approved service flag.* * * *

(a) *Flag for immediate family.* * * *

(5) For each individual who has been honorably discharged from the armed forces, the design of the lapel button for service will be placed on the flag in lieu of the blue star. Where two or more individuals are represented the design of the lapel button for service will replace the star or stars nearest the fly end of the flag.

3. The last portion of § 107.39 (8 F.R. 1915) is amended by inserting the zone designation.

§ 107.39 *Applications required.* * * * Washington 25, D. C.

4. Section 107.42 is revoked.

§ 107.42 *Deviation from approved designs.* [Revoked]

(Act of 17 October 1942, 56 Stat. 796; 36 U.S.C. Sup. 179–182) [W.D. Cir. 35, 1943, as amended by Cir. 62, Feb. 1945]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 45-3606; Filed, Mar. 7, 1945; 9:29 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 94]

PART 601—DESIGNATION OF CERTAIN CONTROL AIRPORTS

NORFOLK MUNICIPAL AIRPORT AND NORFOLK NAVAL AIR STATION

FEBRUARY 22, 1945.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air regulations, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airports as control airports:

City and Name of Airport
Norfolk, Va., Norfolk Municipal Airport.
Norfolk, Va., Norfolk Naval Air Station.

This amendment shall become effective 0001 e. w. t., March 15, 1945.

T. P. WRIGHT,
Administrator.

[F. R. Doc. 45-3597; Filed, Mar. 6, 1945; 2:55 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

Subchapter A—Income and Excess Profits Taxes

[T. D. 5445]

PART 32—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

ELECTION RELATIVE TO NONRECOGNITION OF GAIN IN CONNECTION WITH CERTAIN VESSELS

In order to conform regulations filed with the Division of the Federal Register January 29, 1944, and designated as Treasury Decision 5330, and as General Order 38 Revised of the United States Maritime Commission (26 C.F.R., 1944 Supp., Part 32; 46 C.F.R., 1944 Supp., Part 287), to the act approved December 23, 1944 (Public Law 552, 78th Congress), such regulations are hereby amended as follows:

PARAGRAPH 1. Section 32.0 is amended by inserting immediately following the quotation of section 511 of the Merchant Marine Act, 1936, as amended, the following:

The Act approved December 23, 1944, Public Law 552, 78th Congress, provides:

That the first sentence of section 511 (c) of the Merchant Marine Act, 1936, as amended, is amended to read as follows:

(c) In the case of the sale or actual or constructive total loss of a vessel, if the taxpayer deposits an amount equal to the net proceeds of the sale or to the net indemnity with respect to the loss in a construction reserve fund established under subsection (b), then—

(1) If the taxpayer so elects in his income-tax return for the taxable year in which the gain was realized, or

(2) In case a vessel is purchased or requisitioned by the United States, or is lost, in any taxable year beginning after December 31, 1939, and prior to January 1, 1944, and the taxpayer receives payment for the vessel so purchased or requisitioned, or receives from the United States indemnity on account of such loss, subsequent to the end of such taxable year, if the taxpayer so elects prior to March 31, 1945, or prior to the expiration of sixty days after the receipt of the payment or indemnity, whichever is later, and in accordance with a form of election to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury,

no gain shall be recognized to the taxpayer in respect of such sale or indemnification in the computation of net income for the purposes of Federal income or excess-profits taxes. If an election is made under subdivision (2) and if computation or recomputation in accordance with this subsection is otherwise allowable but is prevented, on the date of making such election or within six months thereafter, by any statute of limitation, such computation or recomputation nevertheless shall be made notwithstanding such statute if a claim therefor is filed within six months after the date of making such election.

Sec. 2. Section 511 of the Merchant Marine Act, 1936, as amended, is amended by adding at the end thereof a new subsection to read as follows:

(n) The terms "contract for the construction" and "construction contract", as used in this section, shall include, in the case of a taxpayer who constructs a new vessel in a shipyard owned by such taxpayer, an agreement between such taxpayer and the Commission with respect to such construction and containing provisions deemed necessary or advisable by the Commission to carry out the purposes and policy of this section.

PAR. 2. Section 32.1 is amended by inserting immediately following paragraph (h) a new paragraph, as follows:

(i) The terms "contract", "contract for the construction", and "construction contract", shall include, in the case of a taxpayer who constructs a new vessel in a shipyard owned by such taxpayer, an agreement between such taxpayer and the Commission with respect to such construction and containing provisions deemed necessary or advisable by the Commission to carry out the purposes and policy of the statute.

PAR. 3. Section 32.12 is amended to read as follows:

§ 32.12 *Election*—(a) *General.* As a prerequisite to nonrecognition of gain on the sale or loss of a vessel, or a part interest therein as provided by the statute, the taxpayer, after establishing a construction reserve fund, must make an election with respect to such vessel or share therein.

Deposit of an amount equal to the net proceeds of the sale or loss of the vessel or of the taxpayer's interest therein must be made within the period specified in § 32.15 and may not be delayed beyond the specified period to await the execution or filing of a statement of election.

(b) *Manner of election*—(1) *General.* Except in cases of certain Government payments covered by subparagraph (2) of this paragraph an election shall be made in accordance with this subparagraph: The election shall be made in the taxpayer's income tax return, or in case of a partnership in the parnership return of income, for the taxable year in which the gain is realized. The election shall be shown by a statement to that effect, submitted as a part of, and attached to, the return. The statement, which need not be on any prescribed form, shall set forth a computation of the amount of the realized gain, the identity of the vessel, the nature and extent of the taxpayer's interest therein, whether such vessel was sold or lost and the date of sale or loss, the full sale price or full amount of indemnity, and the amount and date of each payment thereof, the basis for tax

purposes and any other data affecting the determination of the realized gain.

(2) *Certain Government payments.* In case a vessel is purchased or requisitioned by the United States, or is lost, in any taxable year beginning after December 31, 1939, and prior to January 1, 1944, and the taxpayer receives payment for the vessel so purchased or requisitioned, or receives from the United States indemnity on account of such loss, subsequent to the end of such taxable year, the taxpayer may make his election by filing notice thereof with the Commissioner of Internal Revenue, Washington 25, D. C., prior to March 31, 1945, or prior to the expiration of sixty days after receipt of the payment or indemnity, whichever is later. The taxpayer should file a copy of the notice with the Secretary, United States Maritime Commission, Washington 25, D. C. The form of the notice of election, which form shall be prepared by the taxpayer, shall be substantially as follows:

ELECTION RELATIVE TO NONRECOGNITION OF GAIN UNDER SECTION 511 (c) (2), MERCHANT MARINE ACT, 1936

Pursuant to the provisions of section 511 of the Merchant Marine Act, 1936, as amended by the Act approved December 23, 1944, Public Law 552, Seventy-eighth Congress, notice is hereby given that the undersigned taxpayer elects that gain in respect of the sale to the United States, or identification received from the United States on account of the loss, of the vessel named below or share therein shall not be recognized. The circumstances involved in the computation of such gain are as follows:

Name and other identification of vessel _____
Nature and extent of the taxpayer's interest in the vessel _____
Nature of disposition, i. e., sale or loss _____
Date of disposition _____
Full sale price or full amount of indemnity received by taxpayer _____
Amount and date of each payment of sale price or indemnity received by taxpayer _____
Amount and date of each previous deposit of such payments in construction reserve fund _____
Identification of each check or other instrument by which payment made to taxpayer _____
Tax basis of taxpayer's interest in vessel _____
Any other data affecting the determination of the realized gain _____
_____
Amount of gain (submit computation) _____
_____
(Name of taxpayer.)
By _____
(Authorized representative.)
_____
(Date of execution)

PAR. 4. Section 32.18 is amended by striking out the second sentence of the next to the last paragraph thereof and inserting in lieu of such sentence the following: "Subject to the provisions of this section, a new vessel may be built by or for the taxpayer, or may be acquired after it is built."

PAR. 5. Section 32.22 is amended by adding at the end thereof another paragraph, reading as follows:

If an election is made under subdivision (c) (2) of section 511, as amended, and § 32.12 (b) (2), and if computation or recomputation in accordance therewith is otherwise allowable but is prevented, on the date of filing of notice of such election, or within six months thereafter, by any statute of limitation, such computation or recomputation nevertheless shall be made notwithstanding such statute if a claim therefor is filed within six months after the date of making such election. If as the result of such computation or recomputation an overpayment is disclosed, a claim for refund on Form 843 should also be filed within such six months' period.

[SEAL] GEO. J. SCHOENEMAN,
Acting Commissioner of Internal Revenue.
JOSEPH J. O'CONNELL, Jr.,
Acting Secretary of the Treasury.

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

MARCH 6, 1945.

[F. R. Doc. 45-3616; Filed, Mar. 7, 1945; 11:13 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 662—MINIMUM WAGE RATE IN THE CEMENT INDUSTRY IN PUERTO RICO

RECOMMENDATION OF SPECIAL INDUSTRY COMMITTEE NO. 3

Whereas on February 11, 1944, pursuant to section 5 (e) of the Fair Labor Standards Act of 1938, hereinafter referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 227, appointed Special Industry Committee No. 3 for Puerto Rico, hereinafter referred to as the Committee, and directed the Committee to proceed to investigate conditions and to recommend to the Administrator minimum wage rates for employees in the various industries in Puerto Rico in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas the Committee included three disinterested persons representing the public, a like number representing employers in the cement industry in Puerto Rico, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and residents of the United States outside of Puerto Rico; and

Whereas on May 26, 1944, the Committee, after investigating economic and competitive conditions in the cement industry, filed with the Administrator a report containing its definition of the cement industry and its recommendation for a 40-cent minimum hourly wage rate in the cement industry in Puerto Rico; and

Whereas pursuant to notice published in the FEDERAL REGISTER on July 12, 1944, a public hearing on the Committee's recommendation was held in New York, New York on September 13, 1944, before Donald M. Murtha, the presiding officer designated by the Administrator, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the presiding officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidences adduced in this proceeding and after giving consideration to the provisions of the act with special reference to sections 5 and 8, has concluded that the recommendation of the Committee for a minimum wage rate in the cement industry, as defined, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 3 for Puerto Rico for a Minimum Wage Rate in the Cement Industry in Puerto Rico," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York; now, therefore, it is ordered that:

Sec.
662.1 Approval of recommendations of Industry Committee.
662.2 Wage rate.
662.3 Posting of notices.
662.4 Definition of the cement industry.

AUTHORITY: §§ 662.1 to 662.4, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. 208.

§ 662.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations for the Cement Industry in Puerto Rico are hereby approved.

§ 662.2 *Wage rate.* Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the act by every employer to each of his employees in the Cement Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 662.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the cement industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 662.4 *Definition of the cement industry.* The cement industry in Puerto Rico to which this order shall apply, is hereby defined as follows:

The manufacture of cement.

Effective date. This wage order shall become effective May 7, 1945.

Signed at New York, New York, this 1st day of March 1945.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 45-3596; Filed, Mar. 6, 1945;

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter, unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

[Suspension Order S–732]

PART 1010—SUSPENSION ORDER

ARTEX SCREEN PRINT CO.

David Schneider has been doing business as Artex Screen Print Co. at 109 Spring Street, New York City, since November, 1943. The premises had previously been occupied by City Screen Print Corporation which was in the business of printing textiles by the use of dyes under a quota of dyestuffs granted to it by the War Production Board. In the fall of 1943, City Screen Print Corporation moved its plant to Glendale, Long Island, New York, where it continued in the business of textile printing. It left some printing tables and other equipment at the Spring Street premises and sold them to David Schneider, who applied to the War Production Board for a quota falsely representing that he had bought the plant of, and that his company was a successor to City Screen Print Corporation, and specifically requesting an assignment of the latter's quota. He concealed from the War Production Board the fact that City Screen Print Corporation was actively continuing in the textile printing business. Upon these false representations and concealments, the War Production Board on February 17, 1944, permitted Artex Screen Print Co. to use the quota of Class "C" and "D" dyes under Conservation Order M–103, formerly assigned to City Screen Print Corporation, under which Artex Screen Print Co. purchased and used Class "D" dyes of a value of $599.69. This quota belongs only to City Screen Print Corporation, which is still in existence and using the quota.

In order properly to protect the controls established by the War Production Board for the assignment of priorities and allocation of critical materials, it is hereby ordered, that:

§ 1010.732 *Suspension Order No. S–732.* (a) The authorization for and grant of a quota under date of February 17, 1944, to Artex Screen Print Co. and any and all other authority given to it to use the quota of the City Screen Print Corporation of $3,495 for class "C" dyes and $15,000 for class "D" dyes under Conservation Order M–103 are hereby cancelled and revoked.

(b) Nothing contained in this order shall be deemed to relieve David Schneider, doing business as Artex Screen Print Co. or otherwise, his and its successors and assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on date of issuance.

Issued this 6th day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3602; Filed, Mar. 6, 1945; 4:31 p. m.]

PART 937—ZINC

[Conservation Order M–11–b, as Amended Mar. 7, 1945]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of zinc for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 937.3 *Conservation Order M–11–b*—(a) *Scope of the order.* This order controls generally the use of zinc and zinc products. Under the order some uses are entirely prohibited, other uses are permitted free of any restriction, and still other uses are permitted but with a limitation on the amount of zinc and zinc products which may be used. Special restrictions may also be found in other orders of the War Production Board relating to particular articles or parts. In such case the more restrictive provision governs. In no case shall any person use any zinc or zinc products in violation of this order.

(b) *Definitions.* For the purpose of this order:

(1) "Zinc" means zinc metal which has been produced by an electrolytic, electro-thermic, or fire refining process. It includes zinc scrap, zinc metal produced from scrap, and any alloy in which the percentages of zinc metal by weight is more than 50%.

(2) "Zinc products" means zinc in the form of sheet, strip, rod, wire, castings, or dust.

(c) *Prohibited articles; List A.* The use by any person of zinc and zinc products in the manufacture of articles on List A of this order, and of parts for these articles, is prohibited. This prohibition includes the use of zinc and zinc products to apply any protective coating or plating (other than paint) of zinc to articles on List A. It does not include the use of zinc or zinc products in the manufacture of repair parts to replace similar parts of zinc, or to the protective coating of such repair and replacement parts.

(d) *Unrestricted articles and uses; List B.* There are set forth in List B of this order certain articles and uses for which zinc and zinc products may be used with no restriction insofar as this order is concerned. For articles on this list, other orders of the War Production Board may limit production; this order does not remove any such limitation, but merely authorizes free use of zinc and zinc products providing other orders of the War Production Board are not violated.

(e) *Restricted articles.* For articles not on either List A or List B, the use of zinc and zinc products is permitted, but with the following limitation on the amounts which may be used; namely, that no person shall in any calendar quarter use more:

(1) Zinc in the production of any zinc products not requiring further processing, assembling, or finishing; or

(2) Zinc products in the manufacture of any article or parts;

Than 20% of the amount by weight of zinc or zinc products used by him for the same purpose during the entire calendar year 1941. As in the case of List A articles (see paragraph (c) above), this restriction does not apply to the use of zinc or zinc products in the manufacture of repair parts to replace similar parts of zinc or to the protective coating of such parts.

(f) *General exceptions.* The prohibitions and restrictions in paragraphs (c) and (e) shall not apply to the use of zinc or zinc products for the manufacture of any items under a specific contract or sub-contract covering the manufacture of any product, or any component to be physically incorporated into such product, produced by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Veterans' Administration.

(g) *Restrictions on sales and deliveries of zinc and zinc products.* No person shall sell or deliver any zinc or zinc products to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(h) *Appeals from restrictions.* Any appeal from the restrictions of this order must be by letter in triplicate, referring to the particular provision appealed from and stating fully the grounds for the appeal, and filed with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates. The appeal shall contain in addition the following:

(1) Zinc consumed in the year 1941 for the purpose for which the appeal is made.

(2) Whether the quantity appealed for is to establish or exceed the quota.

(3) Reason why zinc must be used if it was not consumed during the base period.

Attention is called to the requirement of Priorities Regulation 16, with respect to the statement of manpower requirements which must be submitted with any appeal.

Requests for exceptions from the restrictions of this order may not be made under the provisions of Priorities Regulation 25. The use of zinc for production previously authorized under Priorities Regulation 25 will be subject to the re-

strictions of this order on and after April 1, 1945.

(i) *Violation.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 7th day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The use of zinc or zinc products in the items below and in all component parts of such items is prohibited except to the extent permitted by the foregoing order.

(1) Advertising novelties.
(2) Andirons.
(3) Ash trays.
(4) Banks, personal toy, miniature.
(5) Bookends.
(6) Box openers.
(7) Bulletin and menu boards, directories and similar items, and letters for same.
(8) Calendar bases and holders.
(9) Candlesticks.
(10) Caskets, burial.
(11) Cigar and cigarette lighters.
(12) Coat hooks.
(13) Compacts.
(14) Cosmetic containers.
(15) Costume jewelry.
(16) Door chimes.
(17) Fireplace fittings.
(18) Grave markers.
(19) Handbag fittings.
(20) Jewelry cases.
(21) Letter openers.
(22) Lipstick holders.
(23) List finders.
(24) Lotion dispensers.
(25) Merchandise displays.
(26) Mirror frames.
(27) Novelty jewelry.
(28) Ornamental and decorative uses (whether or not the item is included in List A).
(29) Paper coatings.
(30) Paper weights.
(31) Pen bases.
(32) Perfume dispensers.
(33) Picture frames.
(34) Slugs and token of all kinds (except as permitted in List B of this order).
(35) Smokers' accessories.
(36) Soot removers (except as produced from scrap).
(37) Souvenirs.
(38) Spittoons.
(39) Statues.
(40) Vaults, burial.

LIST B

Zinc or zinc products may be used for any of the following articles or purposes with no restriction insofar as this Order is concerned except where the list otherwise indicates.

(1) For use to comply with safety regulations issued under government authority which require the use of zinc to the extent employed, or in safety equipment as defined by General Limitation Order L–114 where and to the extent the use of any less scarce materials is impractical.

(2) For use in chemical and industrial plants to the extent that corrosive or chemical action makes the use of any other material impractical.

(3) For use in research laboratories where and to the extent that the physical or chemical properties make the use of any other material impractical.

(4) For health supplies of the following types only:
(i) Dental instruments, apparatus and equipment;
(ii) Dental supplies and appliances;
(iii) Lamps, health electric;
(iv) Medicinal chemicals (limited to medical uses only);
(v) Ophthalmic products and instruments;
(vi) Physiotherapy products, electrical;
(vii) Surgical and medical instruments, equipment and supplies;
(viii) Orthopedic appliances;
(ix) X-Ray apparatus and tubes.

(5) For precision measuring, recording and control instruments, systems or equipment for use in industrial processes.

(6) For stamping and forming dies.

(7) For use as zinc dust in the following:
(i) Metal refining and recovery;
(ii) Smoke mixtures;
(iii) Rubber processing;
(iv) Chemicals for medicinal products;
(v) Sodium hydrosulfite and sulfoxylate and zinc hydrosulfite;
(vi) Dyestuffs, intermediates and dyes;
(vii) Electroplating;
(viii) Lubricating pipe joint compounds.

(8) For adjustable stencils for marking shipments and products.

(9) For applying a protective coating or plating (other than paint) except where prohibited by paragraph (c) of this order.

(10) For dry cell batteries and portable electric lights.

(11) For printing plates.

(12) For the manufacture of zinc oxide.

(13) For eyelets and grommets.

(14) For universal portable electric tools.

(15) For portable pneumatic tools which, in the course of normal use, are lifted, held, and operated by not more than two persons.

(16) For light power driven tools.

(17) For data, instruction and identification plates.

(18) For air compressors.

(19) For airline, water, and oil separators.

(20) For air regulators, as part of spraying equipment.

(21) For closures for glass containers.

(22) For repair parts to replace similar parts of zinc.

(23) For motors, electric.

(24) For pulleys for power transmission.

(25) For flexible couplings.

(26) For coal stokers.

(27) For domestic electric ranges.

(28) For closures and associated items as defined by General Limitation Order L–68.

(29) For electric fans.

(30) For mechanical pencils.

(31) For motorized fire apparatus.

(32) For air brakes.

(33) For communication equipment.

(34) For condensers.

(35) For fare boxes for public conveyances.

(36) For sterilizer equipment.

(37) For temperature, humidity, and pressure control devices.

(38) For textile machinery.

(39) For industrial turbines.

(40) For fire protective, signal and alarm equipment.

(41) For builder's finishing hardware as defined by General Limitation Order L–236, Schedules I and II.

(42) For research, developmental or experimental activities. Zinc or zinc products may be used to make experimental models or test runs, but only the minimum number of models or minimum size run needed to determine the suitability of the item for commercial production. Such models or materials shall not be distributed for the purpose of promoting sales or creating a consumer demand for such items, nor shall such item designed primarily for future civilian markets, be exhibited to the public. Research, developmental or experimental activities in connection with products or materials designed primarily for future civilian markets must be carried on without diverting any manpower, technical skill, or facilities from activities connected with the war effort.

(43) For plumbing fixtures, fittings and trim.

(44) For can openers.

[F. R. Doc. 45–3657; Filed, Mar. 7, 1945; 11:30 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATIONS OF THE PRIORITIES SYSTEM

[Priorities Reg. 25, Direction 1 as Amended Mar. 7, 1945]

WPB ORDERS COVERED BY PRIORITIES REGULATION 25

The following amended direction is issued pursuant to Priorities Regulation 25:

Production of products covered by the following WPB orders may be authorized under Priorities Regulation 25. The order should be referred to, since it may still restrict models and types that may be made or materials that may be used, or impose other limitations on the product; from these provisions the regulation will in most cases afford no relief.

If one of the following orders is amended to refer to Priorities Regulation 25, authorization under the regulation will affect the provisions of the order only to the extent provided in the amended order.

Until one of the following orders has been specifically amended to provide otherwise, authorizations granted under this regulation will give relief only from the provisions of the order which either prohibit manufacture entirely or restrict the amount of manufacture permitted. The authorization will not in any way relieve the person receiving it from any other restrictions of the order. For example, the following types of restrictions must still be complied with: Restrictions on the types of models which can be made, on the kind of materials which can be used, on the amount of materials which can be used in producing any unit of the article, on the end uses for which production is permitted, on deliveries of the product, on inventories, etc. Thus, with respect to an "L" order not amended to provide otherwise, which restricts both (1) the amount of material used in a plant's total production of an article and (2) the amount of material per unit manufactured, relief would be granted under this regulation from the first restriction but not from the second.

Automotive Division

L–80 Outboard Motors and Parts.
L–158 Automotive Replacements Parts.
L–180 Replacement Storage Batteries.
L–253 Motor truck and trailer bodies ("Tank bodies" only).
L–270 Automotive Maintenance Equipment.
L–331 Motorcycles.

Building Materials Division

L–205 House Trailers and Expansible Mobile Houses.
L–277 Electrical Wiring Devices and Heater Cord Sets.

Consumers Durable Goods Division

L–5–c Domestic Mechanical Refrigerators.
L–6 Domestic Laundry Equipment.

L–7–c Domestic Ice Refrigerators.
L–13–a Metal Office and Industrial Furniture and Fixtures.
L–18–b Domestic Vacuum Cleaners.
L–21 Automatic Phonographs, Amusement and Gaming Machines.
L–23–b Domestic Electric Ranges.
L–27 Vending Machines: Merchandise.
L–30–a Galvanized Ware and Nonmetal Coated Metal Articles.
L–30–b Enameled Ware.
L–30–d Miscellaneous Cooking Utensils and Other Articles.
L–30–e Aluminum Cooking Utensils, Kitchenware, and Household Articles.
L–33 Portable Electric Lamps and Shades.
L–37–a Musical Instruments.
L–49 Beds, Bed Springs, Mattresses, and Dual Sleeping Equipment.
L–52 Bicycles and Bicycle Parts.
L–62 Metal Household Furniture.
L–64 Caskets, Shipping Cases, Burial Vaults.
L–65 Electrical Appliances.
L–65–a Electric Irons.
L–67 Lawn Mowers.
L–71 Dry Cell Batteries and Portable Electric Lights.
L–73 Office Supplies.
L–81 Toys and Games.
L–93 Golf Clubs.
L–98 Domestic Sewing Machines.
L–140–a Cutlery.
L–140–b Flatware and Hollow Ware.
L–176 Domestic and Commercial Electric Fans.
L–227–b Wood Cased Pencils and Pen Holders.
L–260a Furniture and Furniture Parts.
L–267 Photographic and Projection Equipment, Accessories, and Parts.
L–275 Alarm Clocks.
L–301 Powercycles.

Farm Machinery Division

L–257 Farm Machinery and Equipment and Attachments and Repair Parts—except wheel-type tractors.
L–257a Farm Machinery—Exports (except wheel-type tractors).

General Industrial Equipment Division

L–38 Industrial and Commercial Refrigerating and Air-Conditioning Machinery and Equipment.
L–89 Elevators and Escalators.
L–292 Food Processing Machinery.
L–311 Logging, Lumber and Woods Products Machinery and Equipment.
L–314 Lubrication Equipment.

Government Division

L–55 Shotguns.

Plumbing and Heating Division

L–23–c Domestic Cooking Appliances and Domestic Heating Stoves.
L–42 Plumbing and Heating Simplification.
L–74 Oil Burners.
L–75 Coal Stokers.
L–173 Floor and Wall Furnaces.
L–182 Commercial Cooking and Food and Plate Warming Equipment.
L–185 Water Heaters.
L–187 Cast Iron Boilers.
L–199 Plumbing and Heating Tanks.
L–248 Commercial Dishwashers.

Printing and Publishing Division

L–188 Loose-Leaf Metal Parts and Units.
L–226 Printing and Publishing Machinery, Parts, and Supplies.

Radio and Radar Division

L–151 Domestic Watthour Meters.

Safety and Technical Equipment Division

L–39 Fire Protective, Signal and Alarm Equipment.
L–238 Sun Glasses.
L–259 Physical Therapy Equipment.

Service Equipment Division

L–29 Metal Signs
L–54–a Typewriters
L–54–c Office Machinery
L–91 Commercial Laundry Equipment, Dry Cleaning Equipment, and Tailor's Pressing Equipment
L–190 Scales, Balances, and Weights
L–222 Floor Machines, Rug-Scrubbing Machines, Industrial Vacuum Cleaners and Blowers for Cleaning Purposes
L–325 35 mm Motion Picture Projection Equipment and Accessories

Textiles Bureau

L–68 Closures and Associated Items
L–284 Luggage

Tools Division

L–145a Anti Friction bearings
L–201 Automotive Tire Shasis, Tractor Tire Chains and Chain Parts
L–237 Light Power Driven Tools

Communications Division

U–8 Order Limiting the Manufacture of Telephones

Copper Division

M–9–c–1 Copper and Copper Base Alloy Shoe Findings
M–9–c–3 Copper (Bronze Powder)

Until one of the following orders is amended to refer to Priorities Regulation 25, an authorization granted under the regulation will permit the use of the material controlled by the order for the purpose authorized. Other restrictions such as those on delivery, inventory, etc., will not be affected. If such order is amended, the authorization will grant relief to the extent provided in the amendment.

Certain other orders of the War Production Board contain restrictions on the use of material controlled by the following orders. Whether or not the order listed below has been amended, these restrictions remain in effect and on authorization granted under Priorities Regulation 25 will not operate to waive any such restrictions unless the other order (usually an "L" order), or this or another Direction to Priorities Regulation 25 provides otherwise.

Aluminum and Magnesium Division

M–1–k Aluminum
M–2–c Magnesium

Copper Division

M–9–c Copper

Miscellaneous Minerals Division

M–146 Quartz crystals

Steel Division

M–126 Iron and Steel Conservation.

Zinc Division

M–11–b Zinc

Effective April 1, 1945, consumers operating under a production schedule authorized under Priorities Regulation 25 may use zinc only in accordance with the provisions of Order M–11–b, as amended March 7, 1945.

Issued this 7th day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–3658; Filed, Mar. 7, 1945; 11:30 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[CMP Reg. 1, Direction 64]

DIRECT ALLOTMENT TO FORGERS OF SHELL STEEL FORGINGS

The following direction is issued pursuant to CMP Regulation 1:

(a) Beginning with the second quarter of 1945, the Army and Navy may make direct allotments to persons making shell steel forgings on Army or Navy sub-contracts. In most cases, no allotments of steel for forgings will be made to the prime contractor who machines the forgings and furnishes it to the Army or Navy. Forgers should immediately contact the appropriate claimant agency for allotments of steel billets during the second quarter and thereafter. If a forger receives an allotment for shell steel forgings directly from the Army or Navy, he may not thereafter accept allotments for shell steel forgings from his customers identified by an allotment symbol whose initial letter is "N" if his direct allotment was from the Navy, or whose initial letter is "W" or "O", if his initial allotment was from the Army, unless otherwise specificaly directed by the Army or Navy, as the case may be.

(b) This direction expires September 30, 1945. Forgers will thereafter receive allotments from their customers unless this direction is amended to state otherwise.

Issued this 7th day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–3655; Filed, Mar. 7, 1945; 11:30 a. m.]

PART 4500—POWER, WATER, GAS, AND CENTRAL STEAM HEAT

[Limitation Order L–31, Revocation of Gen. Directive 2]

NATURAL GAS IN APPALACHIAN AREA

General Directive 2 under Limitation Order L–31, issued August 26, 1943 and continued in existence by action dated October 25, 1943, is hereby revoked. This revocation does not affect any liabilities incurred under the directive.

Issued this 7th day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–3656; Filed, Mar. 7, 1945; 11:30 a. m.]

PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U–9, as Amended Mar. 7, 1945]

§ 4500.61 *Utilities Order U–9*—(a) *Purpose of this order.* War requirements have created a shortage in the supply of coal and other fuels. The purpose of this order is to save fuels used in the generation of electricity by prohibiting certain unnecessary uses of electricity.

(b) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, political subdivision, gov-

ernmental agency or corporation or any organized group of persons whether incorporated or not.

(2) "Electric supplier" means any person who generates, transmits or distributes electricity.

(c) *Prohibited uses.* No person shall use electricity for any of the following purposes:

(1) Outdoor advertising and outdoor promotional lighting.

(2) Outdoor display lighting except where necessary for the conduct of the business of outdoor establishments.

(3) Outdoor decorative and outdoor ornamental lighting.

(4) Show window lighting except where necessary for interior illumination.

(5) Marquee lighting in excess of 60 watts for each marquee.

(6) White way street lighting in excess of the amount determined by local public authority to be necessary for public safety.

(7) Outdoor sign lighting except for:

(i) Directional or identification signs required for fire and police protection, traffic control, transportation terminals or hospitals; or directional or identification signs for any similar essential public services the lighting of which is specifically certified to be necessary by local public authority. Certification shall be made in writing to the appropriate electric supplier and need not be in any particular form;

(ii) Directional or identification signs using not more than 60 watts per establishment, for doctors and for hotels, and other public lodging establishments.

(8) Advertising, promotional, decorative, ornamental lighting, and sign lighting except as permitted by subparagraph (7) (i), located in arcades, transportation terminals, subways, lobbies, and other passageways generally used by the public.

(9) Outdoor entrance lighting, except the minimum essential for public health and safety and then not more than 60 watts per entrance.

(d) *Exemptions.* (1) Any electric supplier who considers that compliance with this order by the persons whom it supplies directly and indirectly, will not reduce the consumption of coal or other scarce fuels may apply for exemption for the area it serves to the Office of War Utilities, War Production Board, Washington 25, D. C., Ref.: U–9.

(2) The War Production Board may from time to time issue directions exempting designated areas from this order if it finds that compliance within such areas will not reduce the consumption of coal or other scarce fuels in accordance with the purpose of this order.

(e) *Appeals.* Any person affected by this order who considers that compliance with this order will work an exceptional or unreasonable hardship on him or who considers that compliance will endanger public health or safety may appeal on form WPB 4113 for relief to the District Office of the War Production Board, for the area in which the consumer is located, Ref.: U–9.

(f) *Notices.* (1) Every electric supplier shall, as soon as practicable, notify by publication or otherwise all persons to whom it supplies electricity for uses prohibited by this order of the terms hereof.

(2) If any electric supplier has knowledge of a violation of this order by a person to whom it supplies electricity, it shall inform the person of the violation unless it has evidence that the person has been informed of the violation in some other manner. If the violation is continued, the electric supplier shall notify the person in writing of the specific terms of the order which apply and of the penalties prescribed for violation and shall mail a copy of the notice to the District Office of the War Production Board, for the area in which the consumer is located, Ref.: U–9.

(g) *Violations.* If the War Production Board determines that any person is using electricity in violation of this order, it may direct the electric supplier serving such person to disconnect service and prescribe the conditions under which service may be reconnected. In addition, any person who wilfully violates any provision of this order or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment.

(h) *Effective date.* The effective date of paragraph (c) of this order shall be February 1, 1945.

Issued this 7th day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45–3659; Filed, Mar. 7, 1945; 11:30 a. m.]

PART 4500—POWER, WATER, GAS AND CENTRAL STEAM HEAT

[Utilities Order U–9, Direction 2, as Amended Mar. 7, 1945]

EXEMPTION OF DESIGNATED AREAS FROM APPLICATION OF ORDER U–9

Direction 2 to Utilities Order U–9 is amended to read as follows:

Whereas, upon investigation, it has been determined that the application of Order U–9 in the areas specified below will not reduce the consumption of coal or other scarce fuels in accordance with the purposes of the order;

Therefore, it is ordered and directed pursuant to paragraph (d) (2) of Utilities Order U–9 that electric suppliers and persons using electricity located in the following areas, are exempt from the provisions of Utilities Order U–9 until June 30, 1945, except that the Alaskan cities named below are exempt without time limit:

Alaska (no time limit):
Cities:
(1) Ketchikan.
(2) Seward.
(3) Juneau.

Arizona:
(a) Counties:
(1) Mohave.
(2) Yuma.
(3) Coconino.
(4) Yavapai.
(5) Maricopa.
(6) Gila.
(7) Pinal.
(8) Pima.
(9) Santa Cruz.
(b) Cities:
(1) Snowflake.
(2) Showlow.
(3) Taylor.

Arkansas: City of Hope.

California: Entire state except the area served by San Diego Gas and Electric Company and Santa Catalina Island Company.

Colorado:
Cities:
(1) Aspen.
(2) Delta.
(3) Lamar.
(4) Pagosa Springs.

Idaho: Entire State.

Kansas:
(a) Counties: The portion of Morton County served by Southwestern Public Service Company.
(b) Cities:
(1) Garden City.
(2) Walnut.

Louisiana:
(a) Parishes of:
(1) Calcasieu.
(2) Cameron.
(3) Jefferson Davis.
(4) Acadia.
(5) Vermilion.
(6) Lafayette.
(7) St. Martin.
(8) Iberville.
(9) Iberia.
(10) St. Mary.
(11) Terrebonne.
(12) Plaquemines.
(13) St. Bernard.
(14) Orleans.
(15) St. Charles.
(16) Assumption.
(17) West Baton Rouge.
(18) East Baton Rouge.
(19) St. John the Baptist.
(20) East Feliciana.
(21) West Feliciana.
(22) St. James.
(23) Ascension.
(24) Livingston.
(25) Pointe Coupee.
(26) Jefferson.
(27) Lafourche.
(28) Those portions of parishes adjacent to those above named in which the only electric energy furnished to consumers is energy transmitted from the system of the Gulf States Utilities Company.
(29) The portions of the parishes of De Soto, Sabine, Vernon and Beauregard served by Louisiana Public Utilities Company, Inc.
(b) City of Monroe.

Maine: City of Rumford (Exemption begins April 1, 1945).

Michigan:
(a) The portions of the counties of Houghton, Keweenaw, Baraga, and Ontonagon served by the Copper District Power Company and the Houghton County Electric Light Company.
(b) City of Hillman.

Mississippi: Yazoo City.

Montana: Entire State.

Nebraska: City of Palisade.

Nevada:
(a) Counties:
(1) Washoe.
(2) Humboldt.
(3) Pershing.
(4) Churchill.
(5) Storey.
(6) Douglas.
(7) Ormsby.
(8) Mineral.
(9) Esmeralda.
(10) Nye.

(11) Lincoln.
(12) Clark.
(13) Lyon.
(14) That portion of Elko County which receives all its electric service directly or indirectly from Idaho Power Company.

(b) City of Caliente.

New Mexico:
(a) Counties:
(1) The portions of the counties of Grant, Luna, Sierra, Hidalgo, and Dona Ana which are served by the El Paso Electric Company, Elephant Butte plant of U. S. Bureau of Reclamation, Deming Ice and Electric Company, and the Lordsburg and Silver City Divisions of Community Public Service Company.
(2) The portions of the counties of Santa Fe, Sandoval, Bernalillo, and Valencia served by Albuquerque Gas and Electric Company and the Santa Fe Division of New Mexico Power Company.
(3) The portions of the counties of Curry, Roosevelt, Chaves, and Eddy which are served by Southwestern Public Service Company.
(4) The portion of the county of San Juan served by the New Mexico Public Service Company.
(b) Cities:
(1) Clayton.
(2) Gallup.

New York:
(a) Counties: (1) The portions of the counties of Clinton, Franklin, and Essex served by Cities of Plattsburg, Lake Placid, and Rouses Point, Paul Smith's Electric Light and Power and Railroad Company, and New York State Electric and Gas Corporation.
(b) City of Copenhagen.

Oklahoma:
(a) Counties: (1) The portions of the counties of Cimarron, Texas, and Beaver served by Southwestern Public Service Company.
(b) City of Stillwater.

Oregon: Entire State.

South Dakota:
Cities:
(1) Hill.
(2) Rapid City.
(3) Lead.
(4) Deadwood.
(5) Spearfish.
(6) Sturgis.
(7) Belle Fourche.
(8) Newell.
(9) Custer.
(10) Areas adjacent to the above cities supplied by Black Hills Power and Light Company.

Texas: Entire State except those portions of the counties of Bowie, Cass, Marion, Harrison, Panola, Shelby, Rusk, Smith, Gregg, Upshur, Camp, Morris, Red River, Titus, Franklin, Hopkins, Wood, and Van Zandt, which receive service from or whose electric supplier receives service from the Southwestern Gas and Electric Company.

Utah: Entire State.

Vermont:
Cities:
(1) Derby Line.
(2) Norton.

Washington: Entire State.

West Virginia: City of Rainelle.

Wisconsin: City of Radisson.

Wyoming:
(a) Counties: The portion of Teton County served by the Jackson Hole Light and Power Company.
(b) Cities:
(1) Basin.
(2) Buffalo.

Issued this 7th day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3660; Filed, Mar. 7, 1945; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1351—FOOD AND FOOD PRODUCTS

[FPR 1,[1] Supp. 11]

BREAKFAST CEREALS

A statement of the considerations involved in the issuance of this supplement has been issued and filed with the Division of the Federal Register.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

Sec.
1. Explanation of the supplement.
2. Applicability of Food Products Regulation 1.
3. Definitions.

ARTICLE II—PRICING PROVISIONS

4. Maximum prices for sales of specified breakfast cereals by processors and repackers.
5. Application for change of maximum prices and authorization of maximum prices for other kinds of breakfast cereals.
6. Maximum prices for sales by wagon wholesalers.
7. Maximum prices for sales of breakfast cereals by distributors who are not wholesalers or retailers.
8. Provisions of Article II of Food Products Regulation 1 applicable to this supplement.

ARTICLE III—MISCELLANEOUS PROVISIONS

9. Reports which processors and repackers must file.
10. Notification of new maximum price.
11. Individual adjustment of processors' and repackers' maximum prices.
12. Provisions of Article III of Food Products Regulation 1 applicable to this supplement.

AUTHORITY: § 1351.472 issued under 56 Stat. 23, 765; 57 Stat. 556; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

ARTICLE I—EXPLANATION OF THE SUPPLEMENT

SECTION 1. *Explanation of the supplement.* (a) This supplement establishes maximum prices for sales of certain breakfast cereals by all persons except wholesalers and retailers as classified in Maximum Price Regulations 421, 422 and 423. (Wagon wholesalers are included.)

(b) This supplement applies in the 48 states of the United States and in the District of Columbia.

(c) This supplement supersedes the General Maximum Price Regulation, Revised Supplementary Regulation 14 to the General Maximum Price Regulation and Maximum Price Regulation 262 as to the commodities and sellers covered hereunder. All orders applicable to the commodities covered in this supplement which were issued under the above regulations shall remain in effect as orders under this supplement, except as hereinafter provided.

(d) This supplement becomes effective March 12, 1945.

[1] 9 F.R. 6711.

SEC. 2. *Applicability of Food Products Regulation 1.* Important: Not all of the provisions affecting the maximum prices of breakfast cereals are stated in this supplement. Those which are not specifically set forth herein are stated in Food Products Regulation 1, and they are just as much a part of this supplement as if they were printed here. The "explanation of the regulation" is also a part of this supplement.

The particular sections of Food Products Regulation 1 which are applicable to this supplement are listed at appropriate places in the following provisions (in each case, the section number set forth in parentheses is the appropriate section number of Food Products Regulation 1). When any applicable section of the regulation is amended, the amendment also is applicable to this supplement.

SEC. 3. *Definitions.* (a) When used in this supplement, the term:

"Breakfast cereals" means bulk or packaged foods prepared with grain as the principal ingredient and sold for human consumption as breakfast cereals, either ready-to-eat or requiring further cooking. Excluded are corn meal, corn flour, corn grits, pancake mixes, wheat germ, hominy, hominy grits and flakes, baby cereals, farina (except rice farina), breadstuffs, pearl barley, flour and flour mixes, and all commodities now or hereafter covered by Maximum Price Regulation 296.

"Bran flakes" means a ready-to-eat breakfast cereal made from wheat with or without the addition of bran, and processed into toasted flakes. The product shall contain not less than 25% of bran by weight. Excluded are wheat flakes.

"Corn flakes" means a ready-to-eat breakfast cereal made from corn and processed into toasted flakes; or from a dough of farinaceous ingredients, not less than 75% of which by weight shall be corn meal or flour, and expanded by heat.

"Malted cereal granules" means a ready-to-eat breakfast cereal made from wheat flour and malted barley and processed in the form of granules.

"Oat cereal, ready-to-serve" means a ready-to-eat breakfast cereal prepared from a dough of farinaceous ingredients, not less than 75% of which by weight shall be oat flour, and expanded by heat.

"Oat cereal, not ready-to-serve" means a breakfast cereal made from hulled oats and processed into steel-cut or ground granules, or rolled from cooked or partially cooked oat groats in the form of flakes, and requiring further cooking.

"Puffed rice" means a ready-to-eat breakfast cereal produced by expanding rice either by heat or by pressure, with or without removal of the bran.

"Puffed wheat" means a ready-to-eat breakfast cereal which has been produced by expanding wheat by pressure, with or without removal of the bran.

"Rice flakes" means a ready-to-eat breakfast cereal made from rice, with or without the addition of wheat bran, and processed into toasted flakes.

"Shredded wheat" means a ready-to-eat breakfast cereal made from wheat

and processed, without removal of the bran, into fine shreds.

"Wheat cereal" means a breakfast cereal prepared from wheat and ground into granules or rolled into flakes, requiring further cooking. Excluded are farinas as defined in Maximum Price Regulation 296.

"Wheat flakes" means a ready-to-eat breakfast cereal, made from wheat and processed, without the addition of bran, into toasted flakes. Excluded are bran flakes.

"Whole bran" means a ready-to-eat breakfast cereal made from the outer coats (bran) of wheat and processed into shreds, granules, or flakes.

"Packaged" means packed in containers with a net weight of three pounds or less.

"Bulk" means any quantity in excess of three pounds net weight.

(b) The definitions of the following terms, set forth in the designated section of Food Products Regulation 1, are applicable to this supplement:

"Person" (sec. 1.1 of FPR 1)
"Processor" (sec. 1.2 of FPR 1)
"Distributor" (sec. 1.3 of FPR 1)
"Repacker" (sec. 1.4 of FPR 1)
"Wholesaler" and "Retailer" (sec. 1.6 of FPR 1)
"Ultimate consumer" (sec. 1.7 of FPR 1)
"Item" (sec. 1.8 of FPR 1)
"Container type" (sec. 1.9 of FPR 1)
"Sale" (sec. 1.10 of FPR 1)
"Price" (sec. 1.11 of FPR 1)
"Delivered to the customary receiving point" (sec. 1.13 of FPR 1)
"Records" (sec. 1.14 of FPR 1)

ARTICLE II—PRICING PROVISIONS

SEC. 4. *Maximum prices for sales of specified breakfast cereals by processors and repackers*—(a) *Listed breakfast cereals.* The processor's or repacker's maximum price, per sales unit, to any class of purchasers, for an item of a kind of breakfast cereal listed below shall be:

(1) His maximum price, as originally established under § 1499.2 of the General Maximum Price Regulation for sales of that item to the same class of purchasers; plus

(2) An amount figured by multiplying the net weight of the sales unit (in pounds and fractions of a pound) by the applicable figure listed in the table below:

Kind of breakfast cereals	Sales of breakfast cereals by processors and repackers (except to repackers)	Sales of breakfast cereals in bulk by processors to repackers
Bran flakes	$0.0095	$0.0078
Corn flakes	.0072	.0055
Malted cereal granules	.0081	.0064
Oat cereal, ready-to-serve	.0047	.0033
Oat cereal, not ready-to-serve (packaged)	.0151	
Puffed rice	.0219	.0197
Puffed wheat	.0081	.0069
Rice flakes	.0219	.0197
Shredded wheat	.0099	.0075
Wheat cereal	.0056	.0050
Wheat flakes	.0081	.0064
Whole bran	.0063	.0046

Example: Suppose a processor's maximum price for sales to wholesalers under § 1499.2 of the General Maximum Price Regulation for a case of 24 packages (his sales unit) of X-Brand Corn Flakes (18 oz.) was $2.60. He figures the net weight of the case to be 27 lbs. (1⅛ lb.×24). He then multiplies this net weight by the listed figure applicable to corn flakes (27×$0.0072). This amount ($0.1944), added to his General Maximum Price Regulation price, gives him a maximum price for sales to wholesalers, under this supplement, of $2.79 per case.

(b) *"Oat cereal, not ready-to-serve" sold in bulk.* The processor's or repacker's maximum price, per sales unit, to any class of purchasers, for an item of "oat cereal, not ready-to-serve," sold in bulk, shall be:

(1) The maximum price that would be applicable if the item were subject to the pricing methods of § 1499.2 of the General Maximum Price Regulation, plus

(2) An amount figured by multiplying the net weight of the sales unit (in pounds and fractions of a pound) by $0.0151.

(c) *Recognition of existing maximum prices.* (1) This section shall not apply to any person whose maximum price for the item was established under § 1499.3 or under Order 375 under § 1499.3 (b) of the General Maximum Price Regulation.

(2) Except as provided in (1) above, any person whose maximum price for an item of breakfast cereal covered by this regulation was originally established under § 1499.2 of the General Maximum Price Regulation and subsequently increased by any price regulation or order issued by the Office of Price Administration may continue to use such maximum price, or may, at his election, determine his maximum price under this section.

SEC. 5. *Application for change of maximum prices and authorization of maximum prices for other kinds of breakfast cereals.* Processors and repackers of a kind of breakfast cereal covered by this supplement but not named in the table in section 4 of this supplement may apply to the Office of Price Administration, Washington 25, D. C., for a new maximum price. The application shall be filed in accordance with Revised Procedural Regulation 1 and shall set forth:

(a) The name, address and type of business conducted by the applicant;

(b) (1) The brand name and a description in detail of the item for which a new maximum price is sought; (2) the net weight of the package and the number of packages in the sales unit; (3) the existing maximum price to each class of purchasers, f. o. b. or delivered; (4) a statement showing when the existing maximum price was established and the maximum price regulation under which it was established; and

(c) A statement of the amount and kind of each important ingredient used in producing 100 pounds of the item and the weighted average cost during 1941 and 1944 of each such ingredient.

Upon receipt of the application, the Office of Price Administration may authorize a new maximum price, or a method of determining a new maximum price for the applicant or for sellers of the item generally. The new maximum price authorized will be one which bears a proper relationship to those for comparable commodities and sellers. Until receipt of the new maximum price, the applicant may not sell or offer for sale the item at a price higher than his maximum price existing prior to the issuance of this supplement.

For items which the processor or repacker did not produce during 1941, and for new items produced for the first time after the effective date of this supplement, he shall apply to the Office of Price Administration, Washington 25, D. C., for authorization of a maximum price under section 8 (b) of this supplement.

SEC. 6. *Maximum prices for sales by wagon wholesalers.* The maximum price per case or other unit of sale which a wagon wholesaler may charge for an item of breakfast cereals covered by this supplement shall be determined as follows:

If his supplier's maximum price under this supplement is greater than that supplier's maximum price under the maximum price regulation applicable prior to the issuance of this supplement, the wagon wholesaler shall add the difference by which it is greater to the maximum price which he had under the maximum price regulation previously applicable to him. However, in no event may the wagon wholesaler's maximum price be greater than his "net delivered cost" plus a mark-up of 25%. He shall figure his maximum price on the basis of his supplier's first delivery on the item after the effective date of this supplement with the notification required in section 10. He shall make no other changes in his maximum price for an item except that if a change in a processor's maximum price for an item under this supplement is later authorized, he shall refigure his maximum price on the basis of his supplier's first delivery of the item after the effective date of the change in the processor's maximum price which contains the notification required in section 10.

A "wagon wholesaler" is one who purchases the item being priced and distributes it to retailers or to commercial, industrial or institutional users from an inventory stocked in trucks or other conveyances which are under the supervision of driver salesmen who make delivery at the time and place of sale. Such a wholesaler is a wagon wholesaler only for sales made in this way.

In this section, "net delivered cost" means the amount the wagon wholesaler pays for the item in a quantity which is customary for him and from a customary type of supplier, delivered to his customary receiving point (but not in excess of the processor's maximum price for it, f. o. b. shipping point, plus actual charges for the transportation to the wagon wholesaler's customary receiving point), less all discounts allowed him except the discount for prompt payment. No expense of local trucking or local unloading shall be included.

SEC. 7. *Maximum prices for sales of breakfast cereals by distributors who are not wagon wholesalers, wholesalers or retailers.* The maximum price, f. o. b. shipping point, of a distributor who is not a wagon wholesaler, wholesaler or retailer shall be the maximum price of his supplier, f. o. b. shipping point, plus incoming freight paid by him.

SEC. 8. *Provisions of Article II of Food Products Regulation 1 applicable to this supplement.* The following provisions of Food Products Regulation 1 are applicable to this supplement:

(a) Maximum prices for products in new container types or sizes (section 2.2 of FPR 1). The "base period" is March 1942.

(b) Individual authorization of maximum prices (section 2.5 of FPR 1). Note that section 2.4 of FPR 1 does not apply.

(c) Uniform delivered prices where the seller has customarily been selling on an f. o. b. shipping point basis (section 2.8 of FPR 1).

(d) Payment of brokers (section 2.11 of FPR 1).

(e) Special packing expenses which may be reflected in maximum prices for sales to government procurement agencies (section 2.13 of FPR 1).

(f) Treatment of Federal and state taxes (section 2.14 of FPR 1). The "base period" is March 1942.

(g) Units of sale and fractions of a cent (section 2.15 of FPR 1).

(h) Maintenance of customary discounts and allowances (section 2.16 of FPR 1).

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 9. *Reports which processors and repackers must file.* Within 20 days after the effective date of this supplement, the processor or repacker shall report by letter to the Office of Price Administration, Washington 25, D. C., as follows:

(a) A description of each item (naming the brand, kind, container type and size) being priced under this supplement, and the net weight per sales unit;

(b) The maximum price which he originally established for the sales unit of each item under § 1499.2 of the General Maximum Price Regulation (indicating, where the maximum price was established under § 1499.2 (b) of the General Maximum Price Regulation, the name of the most closely competitive seller of the same class and the brand name of the commodity used in establishing such maximum price);

(c) A list of all his customary allowances, discounts and other price differentials; and

(d) His maximum price per sales unit of each item determined in accordance with section 4 of this supplement.

The Office of Price Administration may require any seller filing a report which does not comply with the provisions of this section, or which reports a price erroneously figured, to correct and resubmit the report.

SEC. 10. *Notification of new maximum price.* With the first delivery of an item after the seller has reported his maximum price in accordance with section 9 and thereafter with the first delivery of an item after the effective date of any provision changing the seller's maximum price, he shall:

(a) Supply each wholesaler and retailer who purchases from him with written notice, reading as follows:

(Insert date).

NOTICE TO WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, brand, container type and size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a wholesaler or retailer pricing this item under Maximum Price Regulations 421, 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you from your customary type of supplier with this notification after (insert the date on which the seller has reported his price under section 9, or where applicable, effective date of the amendment or order). You must refigure your ceiling price following the rules in Section 6 of Maximum Price Regulations 421, 422 or 423, whichever is applicable to you.

For a period of 60 days after determining the new maximum price for the item, and with the first shipment after the 60-day period to each person who has not made a purchase within that time, each processor or repacker shall include in each case, carton, or other receptacle containing the item, the written notice set forth above, or securely attach it to the outside. However, for sales direct to any retailer, the seller may supply the notice by attaching it to, or stating it on, the invoice covering the shipment, instead of providing it with the goods.

(b) Supply each purchaser of the item who is a distributor other than a wholesaler and retailer with written notice of the establishment of the new maximum price. The notice, which shall be attached to, or stated on, the invoice covering the first delivery to such purchaser after the effective date of the provision changing the maximum price shall read as follows:

(Insert date).

NOTICE TO DISTRIBUTORS OTHER THAN WHOLESALERS AND RETAILERS

Our OPA ceiling price for (describe item by kind, brand, container type and size) has been changed from $ _____ to $ _____ under the provisions of Supplement No. ____ to Food Products Regulation 1. You are required to notify all wholesalers and retailers for whom you are the customary type of supplier purchasing the item from you after (insert the date on which the seller has reported his prices under section 9, or where applicable, the effective date of the amendment or order), of any change in your maximum price. This notice must be made in the manner prescribed in section 10 (a) of Supplement No. _____ to Food Products Regulation 1.

SEC. 11. *Individual adjustment of processor's and repacker's maximum prices*—(a) *When adjustments may be granted.* Either upon application for adjustment in accordance with Revised Procedural Regulation 1, or on his own motion, the Price Administrator may adjust a processor's or repacker's maximum price established for an item under this supplement where it appears that:

(1) The maximum price is below the general level of prices prevailing for the same or similar items sold to the same class of purchasers by other processors and repackers; and

(2) The maximum price is such as to prevent or threaten to prevent his continued production of the item; and

(3) An increase in the maximum price will enable him to continue production; and

(4) The loss of his production would result in consumers having to pay higher prices for the same or for the most nearly similar item available; and

(5) In the judgment of the Price Administrator, an increase in his maximum price would, under all the circumstances, be in furtherance of the purposes of the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328.

(b) *Amount of adjustment.* The maximum price as adjusted under this section shall in no event exceed the general level of prices prevailing for the same or similar items of breakfast cereals sold to the same class of purchasers by other processors or repackers. Subject to this limitation and the limitation of paragraph (a) (5), the adjusted maximum price shall not exceed the following amount:

(1) Processing costs for the item, if the applicant had any net profit (before income and excess profits taxes) on his breakfast cereals operations during the most recent fiscal period; or

(2) Total costs for the item, if the applicant had no net profit (before income and excess profits taxes) on his breakfast cereals operations during the most recent fiscal period.

(c) *Costs definitions.* (1) "Processing costs" shall be determined per unit to include actual costs (not to exceed maximum prices and lawful wages) of (i) ingredients, (ii) packaging materials, (iii) direct labor, (iv) indirect labor, (v) incoming transportation, (vi) outgoing transportation if sold on a delivered basis, (vii) depreciation, (viii) factory rental, (ix) insurance and (x) all other cost factors generally pertaining to processing operations, but shall not include general administrative and selling costs.

(2) "Total costs" shall be determined by adding to processing costs general administrative and selling costs.

SEC. 12. *Provisions of Article III of Food Products Regulation 1 applicable to this supplement.* The following provisions of Food Products Regulation 1 are applicable to this supplement:

(a) Weights (section 3.2 of FPR 1).

(b) Storage (section 3.3 of FPR 1).

(c) Export sales (section 3.4 of FPR 1).

(d) Records which must be kept (section 3.6 of FPR 1).

(e) Sales slips and receipts (section 3.8 of FPR 1).

(f) Transfers of business or stock in trade (section 3.9 of FPR 1).

(g) How a figured maximum price is established and how an established maximum price may be changed (section 3.10 of FPR 1).

(h) Adjustable pricing (section 3.11 of FPR 1).

(i) Compliance with the applicable supplement (section 3.12 of FPR 1).

(j) Adjustment of maximum prices of food products under "Government contracts" or subcontracts (section 3.13 of FPR 1).

(k) Applications for adjustment by sellers who have been found to have violated the Robinson-Patman Act (section 3.14 of FPR 1).

(l) Applications for adjustment and petitions for amendment based on wage or salary increases requiring approval of the National War Labor Board (section 3.15 of FPR 1).

(m) Petitions for amendment (section 3.16 of FPR 1).

This supplement shall become effective March 12, 1945.

NOTE: The record-keeping and reporting requirements of this supplement have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3666; Filed, Mar. 7, 1945; 11:43 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 262,[1] Amdt. 17]

SEASONAL AND MISCELLANEOUS FOOD COMMODITIES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 1351.969 is amended by deleting the words, "Rice farina cereal."

This amendment shall become effective March 12, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3661; Filed, Mar. 7, 1945; 11:42 a. m.]

PART 1384—HARDWOOD LUMBER PRODUCTS

[MPR 501, Amdt. 2]

HARDWOOD SMALL DIMENSION

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 2 (h) of Maximum Price Regulation 501 is hereby amended to read as follows:

(h) Hickory picker stick blanks.

This amendment shall become effective March 12, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3664; Filed, Mar. 7, 1945; 11:43 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Hotels and Rooming Houses in the New York City Area,[2] Corr. to Amdt. 18]

HOTELS IN NEW YORK CITY AREA

The date in the first sentence of section 7 (b) is corrected to read "December 15, 1943" instead of "November 30, 1943."

[1] 7 F.R. 9244, 10844; 8 F.R. 262, 273, 437, 973, 2285, 5164, 9201, 10568, 11040, 11447, 14985, 15935, 16687, 17226; 9 F.R. 347, 9783.

[2] 10 F.R. 324, 1452.

Issued and effective this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3671; Filed, Mar. 7, 1945; 11:44 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,[1] Amdt. 11]

HOUSING IN ATLANTIC COUNTY AREA

Section 1 (b) (7) of the Rent Regulation for Housing in the Atlantic County Defense-Rental Area is amended to read as follows:

(7) *Subletting.* The subletting or other subrenting of housing accommodations for a term beginning on or after June 1, 1945 and ending on or before September 30, 1945. The landlord shall file a report of such subrenting on the form provided therefor, within 15 days after first subrenting for a term beginning on or after June 1, 1945 and ending on or before September 30, 1945.

This exemption shall be effective only from June 1, 1945 to September 30, 1945, inclusive.

This amendment shall become effective March 8, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3672; Filed, Mar. 7, 1945; 11:44 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[2] Amdt. 44]

MEAT, FATS, FISH AND CHEESE

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Section 7.17 is added to read as follows:

SEC. 7.17 *Supplemental allotments.* (a) Each industrial user of margarine, lard, shortening, cooking or salad oils shall be entitled to receive a supplemental allotment for the first quarterly period of 1945. Application may be made on OPA Form R-315 to the Board (or district office) with which he is registered between March 7, 1945 and March 31, 1945. The amount of that allotment shall be computed in the following way:

(1) The amount of his use of margarine, lard, shortening, and cooking and salad oils during the first quarter of his base period is multiplied by the factor fixed in the supplement for each item;

(2) The results are added, and the total is the supplemental allotment, stated in points.

This amendment shall become effective March 7, 1945.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3670; Filed, Mar. 7, 1945; 11:44 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16,[1] Amdt. 35 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (c) (5) is added to read as follows:

(5) Factors for supplemental allotments for the allotment period from January 1, 1945 to March 31, 1945, inclusive:

Class of foods	Classes of product or use (on schedule I of OPA Form R-1200)	Factor
Margarine	All	1.3
Lard	do	.7
Shortening	do	.7
Cooking and salad oils	do	.7

This amendment shall become effective March 7, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3669; Filed, Mar. 7, 1945; 11:44 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 373, Amdt. 133]

CITRUS FRUITS IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

The table following section 21 (d) (1) is amended by changing three items to read as follows:

[1] 9 F.R. 6819, 8054, 10189, 10634, 11349, 12415, 14987; 10 F.R. 330, 1452.

[2] 9 F.R. 6731, 7060, 7081, 7082, 7167, 7203, 7258, 7262, 7344, 7438, 7578, 7774, 8182, 8793, 9954, 9955, 10040, 10087, 10590, 10876, 11543, 12036, 12037, 12649, 12971, 13993, 14729, 14644, 15003, 15045; 10 F.R. 202, 413, 521, 663, 856, 922.

[1] 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278, 9785, 9896, 10425, 10875, 10876, 10777, 11426, 11513, 11906, 11955, 11961, 12814, 12867, 14287, 14645, 15056; 10 F.R. 48, 521, 857, 293, 294.

	Wholesale maximum prices	Retail maximum prices
Grapefruit:	*Per box*	
64's	$4.00	$0.08 each.
70's	4.00	$0.08 each.
80's	4.00	$0.07 each.
100's	4.00	$0.05 each.
Lemons:		
252's	6.75	$0.43 per doz.
300's	6.75	$0.36 per doz.
360's	6.75	$0.30 per doz.
432's	6.15	$0.23 per doz.
Oranges:		
126's	5.55	$0.70 per doz.
150's	5.55	$0.59 per doz.
176's	5.55	$0.50 per doz.
200's	5.55	$0.44 per doz.
220's	5.55	$0.40 per doz.
252's	5.55	$0.35 per doz.
288's	5.10	$0.28 per doz.
344's	4.35	$0.21 per doz.

This amendment shall become effective as of February 13, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3662; Filed, Mar. 7, 1945; 11:42 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 395, Amdt. 38]

RECORDS OF TRANSACTIONS IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 10 (a) (1) and (2) are amended to read as follows:

(1) Every person making sales other than at retail of the commodities subject to this Maximum Price Regulation No. 395 shall, on and after the date any such commodity becomes subject to this regulation, keep for inspection by the Office of Price Administration, for so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, complete and accurate records of each purchase and each sale made by such person, showing the date thereof, the name and address of the buyer and seller, the direct cost thereof, the price paid or received, the mark-up charged and the quantity purchased or sold.

(2) Every person making sales at retail of the commodities subject to this Maximum Price Regulation No. 395 shall, on and after the date any such commodity becomes subject to this regulation, keep for inspection by the Office of Price Administration, so long as the Emergency Price Control Act of 1942, as amended, shall be in effect, complete and accurate records of each purchase made by the seller, the date thereof, the name and address of the person selling to the seller, the direct cost thereof, the price paid, the quantity purchased, and the mark-up charged by the seller to the buyer.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This amendment shall become effective as of February 21, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3663; Filed, Mar. 7, 1945; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[2d Rev. SR 14,[1] Amdt. 4]

HICKORY PICKER STICK BLANKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Second Revised Supplementary Regulation 14 to the General Maximum Price Regulation is hereby amended as follows:

In Article III a new section is hereby added to read as follows:

SEC. 3.7 *Hickory picker stick blanks, color no defect.* This section covers, under the term, "hickory picker stick blanks, color no defect" all sizes of all white, mixed color, and all red hickory blanks manufactured or concentrated in the United States which are to be manufactured into hickory picker sticks and which satisfy the following specifications:

Manufactured from live, tough, heavy weight hickory logs; to be bright, free from all timber defects, straight and straight grained.

NOTE: Hickory blanks not covered by this section are covered by Maximum Price Regulation 501, Hardwood Small Dimension.

(a) *Direct-mill shipments.* The maximum prices f. o. b. the mill for direct-mill shipments of "hickory picker stick blanks, color no defect" described above are as follows:

NOTE: The following prices are applicable only to hickory blanks which are to be used in the manufacture of hickory picker sticks.

Dry size (inches)	*Price per blank*
1 x 1¾ x 35	$0.106
1 x 1¾ x 36	.109
1 x 2 x 36	.125
1⅛ x 1⅞ x 36	.132
1⅛ x 2⅛ x 36	.150
1⅛ x 2⅛ x 40	.166
1⅛ x 2¾ x 36	.193
1¼ x 1⅞ x 36	.147
1¼ x 2 x 35	.152
1¼ x 2 x 40	.174
1¼ x 2¼ x 35	.171
1¼ x 2¼ x 40	.195
1¼ x 2¼ x 42	.205
1¼ x 2½ x 41	.223
1½ x 1½ x 26	.102
1½ x 1½ x 28	.110
1½ x 1½ x 30	.117
1½ x 2 x 30	.156
1½ x 2 x 36	.188
1¾ x 1¾ x 26	.138
1¾ x 1¾ x 30	.160
1¾ x 1¾ x 34	.181
1¾ x 1¾ x 36	.192
2 x 2 x 32	.222
2 x 2 x 36	.250
2 x 2 x 40	.278
2 x 2½ x 22½	.195

[1] 10 F.R. 1154.

The maximum price for all other sizes shall be $250.00 per 1,000 board feet (figured on dry size dimensions.)

The mill may add to the appropriate f. o. b. maximum price the actual charge or cost paid or incurred by the mill in making delivery to the purchaser.

(b) *Concentration plant sales.* A concentration plant for the purpose of this section is any establishment which buys for resale picker stick blanks from primary producers. The maximum prices, f. o. b. concentration plant, for "hickory picker stick blanks, color no defect" covered in this section, which are sold out of concentration plants are the maximum prices established in paragraph (a) above plus 1 cent per blank.

The concentration plant may add to the appropriate f. o. b. maximum price the actual charge or cost paid or incurred by the concentration plant in making delivery to the purchaser.

This amendment shall become effective March 12, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3667; Filed, Mar. 7, 1945; 11:42 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14C,[1] Amdt. 2]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY THE GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN FOODS AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 4.2 is hereby revoked.

This amendment shall become effective March 12, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3668; Filed, Mar. 7, 1945; 11:42 a. m.]

TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 36—REGULATIONS UNDER SERVICEMEN'S READJUSTMENT ACT OF 1944

PAYMENTS TO APPROVED INSTITUTIONS FOR EDUCATION OR TRAINING

Sec.
36.207 Authority of manager to pay institutions.
36.208 Definition of "ordinary school year".
36.209 Deduction of amount of scholarship award.

AUTHORITY: §§ 36.207 to 36.209, inclusive, issued under 58 Stat. 284.

§ 36.207 *Authority of manager to pay institutions.* When a veteran entitled to

[1] 10 F.R. 1165, 1704.

the benefits provided under Part VIII, Veterans Regulation Numbered 1 (a), as amended, elects his course of training and chooses the approved educational or training institution where he wishes to pursue his course of training and is accepted by and enrolled in a full-time or a part-time course in such approved institution, the manager of the regional office is authorized to pay to such institution for the veteran's tuition, laboratory, library, health, infirmary and other similar fees, and for books, supplies, equipment and other necessary expenses, exclusive of board, lodging, other living expenses and travel, as are generally required for the successful pursuit and completion of the course by other students in the institution:

(a) *Charges for tuition, laboratory, library, health, infirmary and other similar fees.* Pursuant to the authority contained in the Servicemen's Readjustment Act of 1944, the Administrator hereby determines that the charges established in accordance with, and pursuant to the limitations of, the following provisions are fair and reasonable for the purpose of enabling the institutions to give the services required by said act and are within the intent and authority of paragraph 5, section 400 (b) Title II, of said act.

(1) The charges for tuition, laboratory, library, health, infirmary and other similar fees customarily made and in effect prior to June 22, 1944, or as may be established after said date if applicable to all classes of students at the approved institution for any student who pursues the particular course of training, except that the charge for the tuition fee of a full-time veteran trainee shall be not less than $15.00 per month ($45.00 per quarter or $60.00 per semester), said rates shall be effective, as to those heretofore enrolled, from the beginning of the first term beginning after the effective date of §§ 36.207 to 36.209, inclusive, and as to those hereafter enrolled, from the date of enrollment, *Provided*, That the proper official certifies to the manager of the regional office the charges customarily made to any student pursuing the particular course.

(2) In the case of State and municipal schools, colleges, or universities, and other approved institutions which have non-resident tuition fees, the charges for such tuition, laboratory, library, health, infirmary and other similar fees which were in effect prior to June 22, 1944, or as may be established after said date if applicable to all classes of students are determined as the customary charges for all veteran trainees except that the charge for the tuition fee of a full-time veteran trainee shall be not less than $15.00 per month ($45.00 per quarter or $60.00 per semester), *Provided*, That the charges are not in conflict with existing laws or other legal requirements. Under this provision a school may not charge to a resident veteran such part of a non-resident tuition fee as will result in a charge in excess of $500 for an ordinary school year.

(3) Arrangements pursuant to subparagraphs (1) and (2) do not require a formal contract with institutions and payments will be made at the end of each term, semester, or quarter prorated in the cases of veteran trainees who withdraw during the term on the same basis as for non-veteran students.

(4) If the instructional costs, which are hereby defined as actual costs of teaching personnel and supplies for instruction, are in excess of the tuition charge herein authorized in subparagraphs (1) and (2), the facts may be certified to the Veterans' Administration and the Administrator may by contract establish the rates to be paid.

(b) *Charges for books, supplies, equipment and other necessary expenses.* The charges for books, supplies, equipment and other necessary expenses customarily incurred for or by any student who pursues the particular course of training shall be estimated and included in the statement required of the institution under the established procedure of the Veterans' Administration. Payments will be made at the end of each term, semester, or quarter on submission of a voucher by the institution to the manager of the regional office certifying to the actual cost of such books, supplies, equipment and other expenses for each veteran and also certifying that the material has been delivered to the trainee and that the institution has evidence of such delivery and of such expenditures on hand and available for the inspection of the Veterans' Administration.

(c) *Maximum charges allowable for full-time and part-time instruction.* All provisions for payment above stated are subject to the provision of the law that such payments may not be paid in excess of $500 for an ordinary school year in respect to any person.

§ 36.208 *Definition of "ordinary school year".* The "ordinary school year" for instruction ordinarily given on a semester or quarterly basis is defined as a period of two semesters or three quarters—not less than thirty nor more than thirty-eight weeks in total length. Under this definition $500 may be paid for each such ordinary school year which is completed within the period of entitlement. For courses requiring more or less than the "ordinary school year" herein defined, maximum payment will be computed on the basis of weeks required to complete such courses in relation to the ordinary school year of the institution in which the veteran is enrolled.

(1) The "ordinary school year" for instruction not ordinarily given on a semester or quarterly basis is defined as a period of thirty-four weeks. Under this definition $500 may be paid for each such ordinary school year which is completed within the period of entitlement. For courses requiring more or less than the "ordinary school year" herein defined, maximum payment will be computed on the basis of weeks required to complete such course in relation to the ordinary school year of thirty-four weeks.

(2) For part-time instruction in collegiate institutions which use an accepted standard unit of academic credit, maximum payment will be computed on the basis of the semester credit hours for the courses taken in relation to 12 semester credit hours.

(3) For graduate professional courses, such as medicine, the determination of the fractional part of a full-time course shall be by certification of a responsible officer of the institution, and maximum payment will be computed accordingly.

(4) For part-time instruction in other schools, including high schools, maximum payment will be computed on the basis of the number of clock hours of required attendance per week in relation to 25 clock hours.

(5) Nothing in the preceding paragraphs shall be construed as preventing the payment of the regular charges made by an institution for its courses, so long as the stated maximums are not exceeded, nor as authorizing the payment of rates for part-time instruction that are higher than those authorized by the rates provided in paragraph (a) of § 36.207.

§ 36.209 *Deduction of amount of scholarship award.* The amount of any scholarship award to a veteran trainee shall be deducted from the charge for tuition and other fees ordinarily payable by the Veterans' Administration, except (a) when the award is to make up any balance of tuition and other fees in excess of the $500 limit of payment for such charges by the Veterans' Administration and (b) when the award is paid in cash to the trainee.

[SEAL] FRANK T. HINES,
Administrator of Veterans' Affairs.

MARCH 7, 1945.

[F. R. Doc. 45-3619; Filed, Mar. 7, 1945; 11:17 a. m.]

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

Subchapter C—Regulations Affecting Subsidized Vessels and Operators

[Rev. G. O. 38, Supp. 1]

PART 287—ESTABLISHMENT OF CONSTRUCTION RESERVE FUNDS

ELECTION RELATIVE TO NONRECOGNITION OF GAIN IN CONNECTION WITH CERTAIN VESSELS

NOTE: An amendment of the regulations under section 511 of the Merchant Marine Act, 1936, as amended, prescribed jointly by the United States Maritime Commission and the Treasury Department, appears in this issue under Title 26 as Part 32—Establishment of Construction Reserve Funds.

Subchapter E—War Contracts

PART 298—SETTLEMENT OF CLAIMS ARISING UNDER TERMINATED WAR CONTRACTS

[Rev. G. O. 57]

General Order 57 of the United States Maritime Commission (herein called the Commission), prescribing regulations with respect to the termination of work under contracts for the convenience or at the option of the Commission, the settlement of claims arising therefrom, and the disposition of property, is revised to read:

AUTHORITY TO TERMINATE

AUTHORITY: §§ 298.1 to 298.204, inclusive, issued under subsections (c) and (e) of section 4 of the Contract Settlement Act of 1944, 58 Stat. 649.

AUTHORITY TO TERMINATE

§ 298.1 *Contracts by Director of Procurement Division.* The Director, Procurement Division of the Commission, is authorized to terminate work for the convenience or at the option of the Commission under any supply contract or purchase order entered into on behalf of the Commission by said Director.

§ 298.2 *Contracts by agents of the Commission.* Any individual (other than an officer or employee of the Commission), firm, corporation, or other entity, authorized to enter into contracts for and on behalf and as agent of the Commission is authorized to terminate work under contracts so entered into under the optional provisions contained in such contracts.

§ 298.3 *Other contracts of the Commission.* Termination of work for the convenience or at the option of the Commission under any other contract of the Commission must be authorized by the Commission itself. Evidence of the Commission action will be in the form of a written or telegraphic notice signed by the Secretary or an Assistant Secretary of the Commission.

FAIR COMPENSATION AND INTEREST

§ 298.21 *Fixed-price supply contracts.* The Office of Contract Settlement has determined that the Uniform Termination Article for Fixed-price Supply Contracts [1] provides for fair compensation to war contractors who hold fixed-price supply contracts with the Commission.[2] The Director, Procurement Division, or an agent referred to in § 298.2, is authorized to enter into an amendment of any such contract, irrespective of whether work thereunder has been terminated, so as to include such article as a part of such contract.

§ 298.22 *Fixed-price supply subcontracts.* The Office of Contract Settlement has determined that the approved termination provision for use in fixed-price orders or subcontracts for the manufacture of supplies under Government war contracts, as amended,[3] provides for fair compensation to war contractors who hold such type of subcontracts.[2] The Director, Procurement Division, in the case of a fixed-price supply subcontract under a prime contract entered into by him on behalf of the Commission, and, in the case of a fixed-price supply subcontract under any other prime contract, the officer of the Commission authorized to approve such subcontract, will approve the amendment of any subcontract heretofore or hereafter entered into so as to incorporate such Provision therein. Such approvals shall not, however, be construed as a representation on the part of the Commission and the person granting such approval that the particular subcontract is allocable to a prime contract with the Commission.

§ 298.23 *Other subcontracts and cost-plus-a-fee contracts.* Cost-plus-a-fee contracts heretofore entered into by the Commission and agreements for personal services provide for fair compensation. Whenever in the opinion of a subcontractor a subcontract, other than a fixed-price supply subcontract, does not provide for fair compensation, such subcontractor may request the war contractor who entered into the subcontract with him to amend the subcontract to provide for fair compensation. Approval of such amendment may be granted by the Director, Procurement Division, in the case of such a subcontract under a prime contract entered into by him on behalf of the Commission and, in the case of such a subcontract under any other prime contract, by the officer of the Commission authorized to approve the subcontract.

§ 298.24 *Interest allowable.* Interest on a termination claim under a prime contract or subcontract shall be allowed in accordance with the provisions of subsection (f) of section 6 of the Contract Settlement Act of 1944 (herein called the Act) at the rate of 2½ per centum per annum. Such interest shall not accrue in any event prior to July 21, 1944, and may be denied or reduced in accordance with the provisions of such subsection (f). Any settlement agreement may provide that the accrual of interest shall cease on a day estimated by the Director, Contract Settlement and Surplus Materials Division of the Commission, or his designee, as being the date of final payment, and that all claims of the war contractor for interest subsequent to that date are released. The amount of the prime contractor's or subcontractor's termination claim as finally approved in accordance with these regulations shall determine the amount of interest to be allowed subject, however, to the adjustments provided for in such subsection (f) A prime contractor shall be deemed to have unreasonably delayed the settlement of his termination claim if he shall fail to file such claim and all required information, with the Director, Contract Settlement and Surplus Materials Division, or his designee, on forms approved by the Office of Contract Settlement, within 30 days of the date of notice of termination of work under the prime contract, or such longer period as the Settlement Review Board of the Commission shall determine is a reasonable time for filing the claim, or if he shall fail to furnish promptly on request such information and records as the Director, Contract Settlement and Surplus Materials Division, or his designee, may reasonably require in connection with the examination of the claim. A subcontractor shall be deemed to have unreasonably delayed the settlement of his termination claim if he shall fail to file such claim, and all required information, with the war contractor who placed the subcontract, on forms approved by the Office of Contract Settlement, within 30 days after the date of notice of termination of work under the subcontract, or such longer period as the Settlement Review Board shall determine is a reasonable time for filing the claim, or if he shall fail to furnish promptly on request such information and records as

[1] 9 F.R. 478.
[2] 9 F.R. 12285, 13592, 14071.
[3] 9 F.R. 6136, 12283.

said war contractor or the Director, Contract Settlement and Surplus Materials Division, or his designee, may reasonably require in connection with examination of the claim.

PRESENTATION OF CLAIMS

§ 298.41 *Approved forms.* Termination claims under war contracts shall be submitted on copies of the contract settlement forms prescribed by the Director of Contract Settlement on October 13, 1944,[1] or on such other forms as may hereafter be prescribed by him, and shall be certified in the form prescribed by him.

§ 298.42 *Place for filing.* Termination claims arising under any contract entered into on behalf of the Commission by the Director, Procurement Division, or under any prime contract for the construction of vessels shall be filed with the Director, Contract Settlement and Surplus Materials Division, United States Maritime Commission, Washington 25, D. C. Termination claims arising under any contract entered into for and on behalf of the Commission by any one of its agents shall be filed with such agent. Termination claims arising under any terminated subcontract shall be filed with the war contractor who placed such subcontract, except in those cases where the claim is to be settled directly by the Commission as hereinafter provided.

SETTLEMENT OF CLAIMS

§ 298.61 *General policies.* The Commission approves the settlement, so far as practicable, of termination claims arising under war contracts by agreement. Agreements for such purpose may be entered into in the case of termination claims under both fixed-price and cost-plus-a-fee contracts. Audits shall be avoided to the extent consistent with the Government's interest. In certain cases the amount payable to the contractor may be based on an estimate of the amount of work completed by him with due regard to the probable cost of such work and the profits derived therefrom, or on any other equitable basis approved by the Settlement Review Board or the Director of Contract Settlement. In determining fair compensation for termination claims the methods established under subsection (d) of section 6 of the act shall be followed so far as practicable.

§ 298.62 *Fixed-price supply contracts.* In the absence of a pretermination agreement of the character provided for in Regulation 3 of the Office of Contract Settlement, a termination claim arising under a fixed-price supply contract will be approved if the amount of such claim is not in excess of the amount specified in subparagraphs (1), (2), and (3) of paragraph (d) of the Uniform Termination Article for Fixed-price Supply Contracts (see § 298.21), or in the case of a negotiated settlement if the amount is determined in accordance with the provision of Regulation 7 of the Office of Contract Settlement,[2] *Provided*, That the profit shall be calculated in the manner specified in paragraph 5 (c) (2) of such regulation, except in those cases where there is documentary proof in the form of an estimate or otherwise that both the contractor and the officer of the Commission who negotiated or awarded the contract contemplated at the time the contract was entered into a profit in excess of that allowable under said paragraph 5 (c) (2).

§ 298.63 *Contracts by the Commission or its officers.* The Director, Contract Settlement and Surplus Materials Division, or his designee, is authorized to settle by agreement or determine the amount due under termination claims arising under all contracts entered into by the Commission or any of its officers; but no such agreement or determination shall be binding upon the Commission if the amount thereof shall exceed the sum of $10,000, computed in accordance with the provisions of the last sentence in paragraph (c) of section 6 of the act, unless it shall have been submitted to the Settlement Review Board and approved by such Board or not disapproved by it within 30 days of the date of such submission.

§ 298.64 *Contracts by agents of the Commission.* Termination claims arising under contracts entered into for and on behalf of the Commission by an individual, firm, or corporation acting as agent for the Commission may be settled by agreement or determined by such agent with approval of the Director, Contract Settlement and Surplus Materials Division, or his designee, but no such agreement or determination shall be binding upon the Commission if the amount thereof shall exceed the sum of $10,000, computed as provided in § 298.63, unless it shall have been submitted to the Settlement Review Board and approved by such Board or not disapproved by it within 30 days of the date of such submission.

APPROVAL AND PAYMENT OF TERMINATION CLAIMS OF SUBCONTRACTORS

§ 298.81 *Authority to approve.* The Director, Contract Settlement and Surplus Materials Division, or his designee, is authorized to approve the settlement of termination claims of subcontractors under prime contracts with the Commission. Such approvals may be granted, however, only in those cases where the claim is made upon forms prescribed by the Director of Contract Settlement, and where the war contractor who placed the subcontract furnishes a certificate in the form prescribed by said Director of Contract Settlement in respect of the reasonableness of the proposed settlement.

§ 298.82 *Review of and policy governing approval.* No approval of the settlement of the termination claim of a subcontractor, granted under the provisions of § 298.81, shall be binding upon the Commission if the amount of the settlement shall exceed the sum of 10,000, computed as provided in § 298.63, unless it shall have been submitted to the Settlement Review Board and approved by such Board or not disapproved by it within 30 days of the date of such submission. In approving the settlement of termination claims arising under fixed-price supply orders or subcontracts, the Director, Contract Settlement and Surplus Materials Division, or his designee, shall conform to the provisions of Regulation 6,[1] and the applicable provisions of Regulation 7[2] of the Office of Contract Settlement. Profit in excess of that provided for in paragraph 5 (c) (2) of said Regulation 7 shall not be allowed unless there is documentary proof that at the time the supply order or subcontract was entered into the parties contemplated or agreed to a greater profit. In no event shall there be taken into account profit contemplated or agreed to in excess of 10 per centum of the price stipulated in the supply order or subcontract.

§ 298.83 *Settlement without approval.* Settlements of termination claims arising under subcontracts may be made by war contractors without approval when such settlements are made on the basis of settlement proposals submitted by subcontractors on copies of OCS Form 1a,[3] for use where it is proposed to retain or dispose of all inventory and the amount of the net settlement proposal is less than $1,000, computed as provided in Regulation 6 of the Office of Contract Settlement.[1] War contractors may also settle termination claims arising under subcontracts without approval in the event that (1) the amount of the settlement does not exceed $10,000 computed as provided in § 298.63, and (2) authority has been granted by the Settlement Review Board so to settle claims, *Provided*, That any such authority may be revoked at any time by registered-mail notice to the war contractor over the signature of the Chairman or Acting Chairman of such Board (but such revocation shall not affect any settlement concluded prior to receipt of such notice). Application for authority so to settle termination claims of subcontractors should be made to the Settlement Review Board. No settlement, by prime contractors or higher tier subcontractors, of the termination claims of subcontractors, made without approval, except as hereinbefore provided, shall be binding.

§ 298.84 *Direct settlement with subcontractor or deposit in controlled account.* Unless a different procedure is approved by the Settlement Review Board settlement of subcontractors' claims and payment thereof will be made by the war contractor who placed the subcontract. Where a subcontractor, or the Director, Contract Settlement and Surplus Materials Division, or his designee, is of the opinion that a prime contractor is not financially responsible or where the death or dissolution of the prime contractor or other circumstances make it necessary for the protection of the interests of the subcontractor that settlement or payment be made directly with or to the subcontractor, such facts should be reported immediately to the Settlement Review Board by or via the Director, Contract Settlement and Sur-

[1] 9 F.R. 12541.
[2] 9 F.R. 12285, 13592, 14071.

[1] 9 F.R. 12283.
[2] 9 F.R. 12285, 13592, 14071.
[3] 9 F.R. 12547.

plus Materials Division. Such Board is authorized to provide for direct settlement with or direct payment to the subcontractor by the Commission, or to require that payments made to the prime contractor on account of termination claims of his subcontractors be deposited in a controlled account established under a deposit agreement satisfactory to such Board.

§ 298.85 *Effect of bankruptcy or receivership.* In the event the bankruptcy or insolvency of any war contractor or the appointment of a trustee or receiver for such war contractor or his property shall have the effect of preventing collection of any termination claim of a subcontractor under such war contractor, all the facts in respect of such claim may be submitted to the Settlement Review Board, which shall have the authority to take any action it deems proper under the provisions of section 7 of the act.

INTERIM FINANCING

§ 298.101 *Application for, authority to make, and approval of partial payments; use of advance payments.* Applications for partial payments on account of the termination claim of a war contractor should be made and certified on forms prescribed by the Director of Contract Settlement.[1] Forms for such applications may be obtained from the Director, Contract Settlement and Surplus Materials Division, or from the Maritime Settlement Section in the area in which is located the war contractor on behalf of whom the partial payment is sought. The executed form should be sent to such Director or such Maritime Settlement Section. Where the war contractor making application is a prime contractor, such Director, or his designee, is authorized to grant the partial payment in an amount not to exceed an aggregate of $10,000 on account of any single claim or $50,000 on account of all unsettled claims of any single prime contractor. Partial payments granted in excess of an aggregate of such amounts, or to war contractors other than prime contractors, may be made only with the approval of the Settlement Review Board, upon recommendation of such Director. Advance payments authorized for use in performing a war contract may be used, with the approval of such Director, or his designee, to finance the war contractor pending settlement of his termination claim.

§ 298.102 *Amount of interim financing.* Upon proper application therefor, partial payments may be approved in amounts consistent with the policies contained in General Regulation 2 of the Office of Contract Settlement.[2] The Director, Contract Settlement and Surplus Materials Division, or his designee, or the Settlement Review Board, as the case may be, may, however, in his or its discretion deny, in whole or part, any such application for partial payment in the event there is reason to believe that the certificate for partial payment incorrectly states any amount to be made the basis of such partial payment. In appropriate cases a check or audit of the war contractor's records may be required as a condition precedent to the making of the payment. Where partial payments previously applied for and made shall not equal the amounts set forth in such General Regulation 2, additional payments which, together with the payments theretofore made, are not in excess of these amounts may be applied for and made. In the event that all advance or partial payments or other interim financing granted will not, in the opinion of the war contractor, provide him with adequate funds, he (or the war contractor in the next higher tier above him, in case he is a subcontractor) may so inform the Chief of the Settlement Section or the Chief of the appropriate Maritime Settlement Section, and request that additional funds be supplied.

§ 298.103 *Control of partial payments for subcontractors.* Where a subcontractor, or the Director, Contract Settlement and Surplus Materials Division, or his designee, is in doubt as to the financial responsibility of the war contractor who would normally receive the partial payment for the benefit of the subcontractor, or where the death or dissolution of such war contractor, or other circumstances, appear to make it necessary for an officer of the Commission to exercise supervision or control over such partial payment, in order to assure the subcontractor's receipt of the benefit thereof, such facts should be reported immediately to the Settlement Review Board, so that such Board, if it sees fit, may provide the safeguards authorized in § 298.84.

§ 298.104 *Loans and loan guarantees or commitments by Federal Reserve Banks.* Pursuant to the provisions of section 10 of the act and of General Regulation 1 of the Office of Contract Settlement,[1] the Federal Reserve Banks are authorized, to the extent herein specified, upon application by financing institutions, to act as fiscal agents of the Commission in guaranteeing such financing institutions, on copies of the form approved by the Office of Contract Settlement,[2] against loss of principal or interest on loans, discounts, or advances, or on commitments in connection therewith, which such a financing institution may make to any war contractor, or to any person who is or has been engaged in performing any operation deemed by the Commission to be connected with or related to war production, for the purpose of financing such war contractor or other person in connection with or in contemplation of the termination of work under one or more such war contracts or operations. Pursuant to the provisions of Regulation 9 of the Office of Contract Settlement,[3] guarantees of loans may be made through Federal Reserve Banks, not only to private financing institutions, but also to the Reconstruction Finance Corporation and the Smaller War Plants Corporation, in those cases where it appears that no private financing institution will promptly finance the war contractor in an amount and on terms substantially as favorable to the contractor as will the aforementioned public financing institution. The Federal Reserve Banks are authorized to approve, after consultation with and in the absence of objection by authorized representatives of the Commission, all applications for such guarantees of loans other than applications from the Reconstruction Finance Corporation and the Smaller War Plants Corporation, provided the loans do not exceed (a) $500,000 to any one borrower and the requested percentage of guarantee is not in excess of 90 per centum of the loan, or (b) $100,000 to any one borrower and the requested percentage of guarantee is not in excess of 95 per centum of the loan. The Director of Finance and the Assistant Directors of Finance, and their designees, are authorized to act as representatives of the Commission in connection with the execution of guarantees and commitments therefor or the making of loans by the Federal Reserve Banks.

§ 298.105 *Guarantees of loans requiring Commission action.* The application for guarantee of a termination loan shall be filed by the financing institution with the Federal Reserve Bank in the district in which the financing institution is located and shall be forwarded by such Bank for approval to the United States Maritime Commission, through the regular channels of the Federal Reserve System, in case (1) the loan is made or participated in by the Reconstruction Finance Corporation or the Smaller War Plants Corporation, or (2) the loan to any one borrower and the requested percentage of guarantee are such that they do not fall within the provisions of § 298.104 which authorize Federal Reserve Banks to approve applications for guarantees of loans provided the loans do not exceed (a) $500,000 to any one borrower and the requested percentage of guarantee is not in excess of 90 per centum of the loan, or (b) $100,000 to any one borrower and the requested percentage of guarantee is not in excess of 95 per centum of the loan.

§ 298.106 *Direct loans.* Applications of war contractors for direct loans, as provided in section 10 of the act, shall be made to the Director of Finance.

ADVANCE NOTICE

§ 298.121 *Notice to prime contractors and subcontractors.* The Commission will give each prime contractor, work under whose contract is terminated for the convenience or at the option of the Commission, such advance notice as is feasible and consistent with the national security without permitting unneeded production or performance. Promptly upon receipt of such notice the prime contractor should notify each subcontractor, work under whose subcontract is required to be terminated on account of the termination of work under the prime contract, stating what work thereunder is to be terminated and the reason therefor, and requesting that notice in turn be given to other war contractors, work under whose subcontracts is required to

[1] 9 F.R. 11277.
[2] 9 F.R. 11275.
[1] 9 F.R. 10358.
[2] 9 F.R. 14501.

be terminated on account of the termination of work under such subcontract. In the event that the cessation of work provided for in the notice of termination to the prime contractor will result in substantial injury to plant or property, such prime contractor shall immediately notify by telegram the officer or agent of the Commission who sent the notice of termination. Such officer or agent is authorized to modify the notice of termination in appropriate cases.

REMOVAL AND STORAGE OF MATERIALS

§ 298.141 *Termination inventory schedules.* A war contractor desiring plant clearance must make his schedules of any materials claimed by him to constitute his termination inventory, as soon as possible after termination, on forms prescribed by the Office of Contract Settlement [1] and certified on the form contained in Appendix B to the instructions relative to use of such forms,[1] in accordance with Regulation 10 of the Office of Contract Settlement.[2] Copies of such forms may be obtained from the Director, Contract Settlement and Surplus Materials Division, or any Maritime Settlement Section. A prime contractor should supply each of his subcontractors with copies of such forms, and the subcontractors should supply lower-tier war contractors therewith, if needed.

For termination inventory schedules to be acceptable for purposes of storage or removal, by the government, of items listed, they shall conform to the requisites hereinafter set forth, in addition to the requisites specified in the aforesaid Regulation 10. Each schedule shall be identified with the contract number of the prime contract, and all material listed shall be at the same loctaion. Government-owned material (including government-furnished material) shall be separately listed and marked to show that the items are government-owned. Except in the case of material believed to be scrap or items costing less than $100, the termination inventory schedules shall contain a separate listing of each item of material included. The description of the items shall be sufficient to permit efficient removal or storage thereof and to permit identification of the items by prospective purchasers. A commercial description of all items believed to have commercial value shall be given. Stock numbers and prefixes, manufacturers' part numbers, and standard catalog reference numbers shall be supplied. Other items shall be sufficiently described to enable the Director, Contract Settlement and Surplus Materials Division, or a next higher tier war contractor to determine the appropriate disposition thereof. In addition to an adequate description, items listed in the termination inventory schedules, which have a commercial value and do not constitute work in process, shall be classified in accordance with the instructions for use of the Office of Contract Settlement forms, as a condition precedent to commencement of the running of the period within which removal of the items from the war contractor's plant must be effected.

Material which a war contractor believes should be disposed of as scrap, and which can be segregated so that the Director, Contract Settlement and Surplus Materials Division, or his designee, can make a determination as to whether it should be scrapped, may be listed preliminarily in a manner sufficient to show the material involved and its cost to the war contractor, but not on the regular termination inventory schedules. If determined to be scrap, such material may then be listed on the termination inventory schedules in a single description entry showing its total cost. Moreover, substantially similar items at one location, which cost less than $100 each, may be listed together, with a general description of the types of items, if their aggregate cost is not in excess of $5,000 or 20 per centum of the total inventory cost, whichever is less, *Provided*, That at least 20 days before the Government is obligated to store or remove the items, the war contractor submits a supplementary schedule listing such items with a description and classification thereof adequate to accomplish their effective removal or storage.

A subcontractor's termination inventory schedules shall be accompanied by a certificate of the next higher tier war contractor that, in his opinion, the material listed is allocable to the subcontractor's terminated contract. The Government will be under no obligation to remove the termination inventory of a subcontractor until 20 days after receipt of the certificate (or other satisfactory evidence of allocability) or until the end of the plant clearance period, whichever is later.

Acceptance of a termination inventory schedule as satisfactory in form for storage or removal purposes will not affect the Government's right to require additional information as to any listed item nor prejudice the Government's right to contest the allocability of any of the items to the terminated war contract. If a schedule submitted is found by the Director, Contract Settlement and Surplus Materials Division, or his designee, to be unsatisfactory in form for purposes of storage or removal requested by the war contractor, such Director, or his designee, will return the schedule within ten days of receipt thereof with a brief statement of its deficiencies. The return date thereof shall be the date of mailing or delivery by hand to the war contractor.

Schedules of a war contractor who holds a prime fixed-price supply contract entered into by the Director, Procurement Division, should be mailed to the Director, Contract Settlement and Surplus Materials Division, marked for the attention of Chief, Settlement Section. Schedules of a subcontractor of any tier under such prime contractor should be mailed, addressed in the same manner, or, at the election of the subcontractor, routed through contractual channels. Schedules of a war contractor who holds any other type of prime contract with the Commission should be mailed to the Chief, Maritime Settlement Section, in the region or area in which the prime contract work was being performed. Schedules of a subcontractor of any tier under such prime contractor should be mailed, addressed in the same manner, or, at the election of the subcontractor, routed through contractual channels.

§ 298.142 *Retention by, sale to or by, or storage by war contractor; return to suppliers.* The Director, Contract Settlement and Surplus Materials Division, or his designee, is authorized to approve the retention by or sale to or by a prime contractor (or a subcontractor, if direct settlement by the Commission with the subcontractor has been authorized) of termination inventory, or a portion thereof, or return thereof to the suppliers, *Provided*, That where the credit or price which would be received by the government is less than the amount included for such inventory, or portion thereof, in the prime contractor's or subcontractor's claim, such approval shall be final only where the cost of such termination inventory, or portion thereof, so retained, purchased, sold, or returned, is not in excess of $50,000, or approval of its retention, purchase, sale, or return shall have been granted by the Settlement Review Board. A subcontractor's retention, purchase, sale, or return of termination inventory, or a portion thereof, not in excess of $50,000, may be approved by the war contractor in the next higher tier, if he is authorized by the Director, Contract Settlement and Surplus Materials Division, or his designee, to grant such approval. The war contractor should maintain full records of any sales made by him, reflecting both the individual items sold and the sale prices thereof. If a war contractor in a plant not entirely government-owned does not desire so to retain, purchase, sell, or return his termination inventory, or a portion thereof, such Director, or his designee, is authorized to enter into an agreement with the war contractor for the storage of such termination inventory, or portion thereof, on his own premises or elsewhere. As specified in Regulation 10 of the Office of Contract Settlement,[1] war contractors are expected to make available all possible space for storage on suitable terms.

§ 298.143 *Removal by the Commission.* Until such time as the Director of Contract Settlement has designated some other agency of the government for such purpose, the Director, Contract Settlement and Surplus Materials Division, or his designee, will undertake, in conformity with the provisions of section 12 of the act and Regulation 10 of the Office of Contract Settlement,[1] to make removal, from the war contractor's plant, of termination inventory which the war contractor does not retain, purchase, sell, return to suppliers, or store in accordance with an agreement reached with such Director, or his designee. The obligation of the Commission in respect of any termination inventory of a war contractor delivered into its custody shall be limited in the manner prescribed in section 12 of the act.

[1] 9 F.R. 12541.
[2] 10 F.R. 1279.

[1] 10 F. R. 1279.

§ 298.144 *Removal by the war contractor.* If a war contractor intends to remove from his plant or store termination inventory at Government risk and expense, upon failure of the Commission to remove it within the time allowed, he shall notify the Director, Contract Settlement and Surplus Materials Division, by registered mail, of the date fixed for such removal, in accordance with the provisions of section 12 (d) of the act. The certified statement of a concurrent physical inventory of such materials accompanying the notice shall be compiled for the war contractor by an independent engineer or appraiser. The removal, transportation, and preservation of termination inventory by a war contractor at government expense shall be effected in conformity with the provisions of Regulation 10 of the Office of Contract Settlement.[1] Until such time as the custody of the materials is accepted on behalf of the Commission, the war contractor shall have an obligation to see that all necessary precautions are taken for the preservation thereof. The materials shall be stored in a safe warehouse, and, where necessary, shall be packed or treated with preservative substances. To be entitled to reimbursement for the reasonable cost of making an inventory of, removing, packing, transporting, and preserving such materials, the war contractor shall promptly notify the Director, Contract Settlement and Surplus Materials Division, by registered mail, of all actions taken by him in respect of such materials. Any claim for reimbursement of costs shall be supported by such reasonable evidence of payment thereof as such Director may require. If, instead of proceeding as aforementioned, a war contractor removes his termination inventory and stores it at his own risk, he shall comply with the provisions of said Regulation 10 of the Office of Contract Settlement relative thereto.[1]

§ 298.145 *Government-owned machinery, tools, and equipment.* Whenever a war contractor no longer requires for the performance of war work any government-owned machinery, tools, or equipment made available by the Commission and installed in a plant or shipyard not owned by the government, and such facilities are not covered by an option to purchase or the war contractor is willing to waive such option, the war contractor shall proceed in accordance with the provisions of General Regulation 4 of the Office of Contract Settlement,[2] and any other regulations on the subject hereafter issued by such Office. The list and data required by such General Regulation 4 shall be submitted, by registered mail, to the Director, Production Division, in the case of machinery, tools, and equipment installed in a manufacturing plant, and to the Regional Director of Construction of the Commission for the region in which the shipyard is located, in the case of machinery, tools, and equipment installed in a shipyard. If the list and data submitted are unsatisfactory, notice of such fact shall be given by the Director, Production Division, or the Regional Director of Construction, as the case may be. After receipt of a list and data which are satisfactory, the notice required by paragraph 2 (c) of such General Regulation 4 shall be sent to the war contractor by such Director, Production Division, or Regional Director of Construction. Subject to provisions of paragraph 3 of General Regulation 4, the Director, Contract Settlement and Surplus Materials Division, or his designee, shall notify the war contractor to dismantle any facilities which such Director, or his designee, desires removed, and to prepare them for removal.

If a war contractor intends to remove from his plant or store all or part of such facilities at government risk and expense, upon failure of the Commission to remove them within the time allowed, he shall notify the Director, Contract Settlement and Surplus Materials Division, by registered mail, of the date fixed for such removal. Upon any such removal, the war contractor shall have an independent engineer or appraiser compile an inventory showing the exact condition of each article removed, shall cause the articles to be packed or treated with preservative substances where necessary, and shall cause them to be stored in a safe warehouse. Until such time as custody of the facilities is accepted on behalf of the Commission, the war contractor shall have an obligation to see that all necessary precautions are taken for the preservation thereof. To be entitled to reimbursement for the reasonable cost of making the inventory of, removing, packing, transporting, and preserving the facilities, the war contractor shall promptly notify the Director, Contract Settlement and Surplus Materials Division, by registered mail, of all actions taken by him in respect of such facilities. Any claim for reimbursement of costs must be supported by such reasonable evidence of payment thereof as the Commission may require. In the case of the authorized installation of government-owned facilities by a war contractor in the plant of his subcontractor, the procedure for clearance of such facilities will be in accordance with the provisions of paragraph 9 of General Regulation 4.

If a war contractor proceeds to remove facilities at his own risk and expense, he shall use the same degree of care in preparation and preservation thereof as required where the removal is at government expense, and shall promptly give notice of such action to the Director, Contract Settlement and Surplus Materials Division, by registered mail. In case war contractors fail to present lists and data or to request removal of unrequired facilities, the Director, Procurement Division, in the case of facilities in manufacturing plants, and the Regional Director of Construction for the region in which the shipyard is located in the case of facilities installed in a shipyard, are charged with the duty to proceed in accordance with the provisions of paragraph 8 of General Regulation 4. In case the Commission is obligated under section 1 (f) of the statement of principles for determination of costs upon termination of Government fixed-price supply contracts,[1] as limited by the provisions of subsection (i) of said section 1, to pay an amount equal to the loss of useful value of any special facilities of a war contractor occasioned by the termination of a supply contract, the Commission shall have the right to acquire title to such special facilities.

§ 298.146 *Government-owned plants.* The provisions of these regulations in respect of removal and storage of materials are inapplicable to termination inventory, machinery, tools, equipment, supplies, or property of whatsoever nature, in a government-owned shipyard, warehouse, or plant, which is operated pursuant to a contract between the Commission and a war contractor.

APPEAL

§ 298.161 *Findings.* The Settlement Review Board is authorized to make the findings provided for in sectiton 13 of the act. Demands by a war contractor for the making of such findings should be addressed in writing to the Settlement Review Board.

§ 298.162 *Appeal from findings.* Where a war contractor desires to appeal to the Commission from findings made by the Settlement Review Board, or where regulations of the Director of Contract Settlement require him so to proceed, the war contractor, within the time specified in the war contract or, if not so specified, within thirty days after his receipt of the findings, should address by registered mail a letter so stating to the Secretary of the Commission. The Commission will then consider the protest or appeal of the war contractor and, in appropriate cases, will set a date for hearing thereon either before the Commission or a special board to be designated by it.

§ 298.163 *Remand.* Any remand of a case involving the termination claim of a war contractor by the Appeal Board or a court pursuant to paragraph (3) of subsection (c) of section 13 of the act should be addressed to the Secretary of the Commission. The proceedings thereunder shall be such as may be authorized by the Commission, in accordance with the terms prescribed by the order of remand.

§ 298.164 *Authority to agree to arbitrate.* The Director, Contract Settlement and Surplus Materials Division, or his designee, where the claim does not exceed the amount which he is authorized to settle, and the Settlement Review Board in all other cases, are authorized to enter into an agreement with a war contractor (who will be a prime contractor except where direct settlement with a subcontractor is authorized) to submit all or any part of such a claim to arbitration, pursuant to subsection (e) of section 13 of the act.

§ 298.165 *Arbitration of dispute between war contractor and subcontractor.* Where a war contractor and his subcontractor desire to submit to the Commission a dispute between them concerning a termination claim of the subcontractor,

[1] 10 F.R. 1279.
[2] 9 F.R. 11964.

[1] 9 F.R. 479, 12282.

pursuant to subsection (f) of section 13 of the act, they may submit such dispute to the Settlement Review Board which shall thereupon provide for mediation or arbitration.

SETTLEMENTS INDUCED BY FRAUD

§ 298.181 *Reports of fraud.* The Executive Director of the Commission is authorized to receive reports concerning fraud inducing a settlement of a termination claim. A copy of any such report should be filed with the General Counsel and the Director of Finance. If the Executive Director shall determine that the evidence is sufficient to indicate that the settlement was induced by fraud, he shall report the matter to the Commission. If the Commission is of the opinion that the settlement was fraudulently induced, it will then report the facts to the Department of Justice for investigation and to the Comptroller General for his determination of the amount to be withheld from any amount owing the war contractor, pursuant to subsection (b) of section 16 and subsection (e) of section 18 of the act.

GENERAL

§ 298.201 *Exemptions from act.* The Commission hereby exempts from the provisions of the act any modification of a war contract pursuant to its terms for the purpose of changing plans or specifications applicable to the work without substantially reducing its extent.

§ 298.202 *Addresses.* The mailing address of the following, as well as that of the Commission, shall be "United States Maritime Commission, Washington 25, D. C."; Secretary of the Commission; Director, Contract Settlement and Surplus Materials Division; Chief, Settlement Section, Contract Settlement and Surplus Materials Division; Settlement Review Board; Director of Finance; Director, Procurement Division; and Director, Production Division. Mail for the respective Maritime Settlement Sections shall be addressed to "Chief, Maritime Settlement Section, United States Maritime Commission," at the following locations, respectively: "310 South Michigan Avenue, Chicago 4, Illinois"; "348 Baronne Street, New Orleans 12, Louisiana"; "14th and Franklin Streets, Oakland 12, California"; and "1015 Chestnut Street, Philadelphia 7, Pennsylvania."

§ 298.203 *Assistance to war contractors.* The Regional Attorneys, the Regional Auditors of Construction, and their respective assistants, and the auditors of the Commission at shipyards or manufacturing plants are authorized and directed, as part of their official duties, to advise, aid, and assist war contractors in preparing and presenting termination claims and obtaining interim financing and in related matters.

§ 298.204 *Orders and regulations to be followed.* The exercise of any authority or discretion and the performance of any duty or function conferred or imposed by these regulations shall be subject to applicable orders or regulations, whenever issued, of the Director of Contract Settlement within the scope of the authority conferred upon him by the act, together with the policies and procedures of the Office of War Mobilization and Reconversion pursuant to the War Mobilization and Reconversion Act of 1944, and those of the Joint Contract Termination Board which are consistent therewith. Disposal of surplus property in general, including such property as may be acquired by the Commission as a result of termination of work under war contracts, shall be subject to the regulations issued by the Surplus Property Board, and, in so far as consistent with the Surplus Property Act of 1944 and not superseded by such Board, with the regulations [1] and statement of policies [2] of the Surplus War Property Administration, as amended. Such orders or regulations, whenever issued, must be complied with by all officers and employees of the Commission whose duties or functions are affected thereby. Anything contained in these regulations which may be inconsistent with the aforementioned shall be deemed amended so as to remove such inconsistency.

By order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS, *Secretary.*

MARCH 6, 1945.

[F. R. Doc. 45-3598; Filed, Mar. 6, 1945; 2:49 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 287-A]

PART 95—CAR SERVICE

PERMIT REQUIRED FOR SHIPMENT OF HAY

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 6th day of March, A. D. 1945.

Upon further consideration of Service Order No. 287 (10 F.R. 2589) of February 24, 1945, and good cause appearing therefor: *It is ordered,* That:

Service Order No. 287 (10 F.R. 2589) of February 24, 1945, restricting the movement of hay to all destinations except those in the States of Connecticut, Massachusetts, and Rhode Island without a permit be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., March 7, 1945; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 45-3652; Filed, Mar. 7, 1945; 10:56 a. m.]

[1] 9 F.R. 5096, 9182, 12069.
[2] 9 F.R. 4559, 7842, 11614, 11929.

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Bureau of Accounts

[1945 Dept. Circ. 655, Supp. 1]

PART 211—DELIVERY OF CHECKS AND WARRANTS TO ADDRESSES OUTSIDE THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS

WITHHOLDING OF DELIVERY

MARCH 6, 1945.

Section 211.3 (a) of Department Circular No. 655, dated March 19, 1941 (31 CFR, Cum. Supp., 211.3 (a)), is hereby amended (1) by deleting the word "France" from the list of countries set forth therein, and (2) by substituting the phrase "unliberated areas of Italy" for the phrase "Italy and the possessions thereof".

This action is taken in view of License W-2409 dated February 9, 1945, under which the Division of Disbursement has been authorized, insofar as Foreign Funds Control regulations are concerned to effect remittances on behalf of United States Government agencies to persons in France (including French overseas territories not occupied by the enemy) by forwarding dollar checks drawn on the Treasurer of the United States; and License W-2204 dated July 13, 1944, as amended February 13, 1945, under which the Division of Disbursement has been authorized, insofar as Foreign Funds Control regulations are concerned, to effect remittances on behalf of Government agencies to persons in liberated areas of Italy. Checks drawn for delivery to Italy will be stated in lira. Except to the extent they have been authorized by the licenses referred to herein or other licenses which have been issued to United States Government agencies by Foreign Funds Control, remittances by United States Government agencies to France and Italy and their possessions will continue to be restricted by Executive Order 8389, as amended, and rules and regulations issued pursuant thereto.

[SEAL] D. W. BELL, *Acting Secretary of the Treasury.*

[F. R. Doc. 45-3653; Filed, Mar. 7, 1945; 11:13 a. m.]

Notices

CIVIL AERONAUTICS BOARD.

[Docket No. 1709]

NATIONAL AIR LINES, INC., JACKSONVILLE-MIAMI NON-STOP SERVICE

NOTICE OF HEARING

In the matter of the application of National Airlines, Inc. for authority to in-

augurate non-stop service between Jacksonville and Miami under § 238.3 of the Board's Economic Regulations.

Notice is hereby given that the above-entitled matter is assigned to be heard on March 17, 1945, at 10 a. m. (eastern war time) in the foyer of the Auditorium, Commerce Building, Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., March 5, 1945.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-3617; Filed, Mar. 7, 1945; 11:16 a. m.]

[Docket No. 1225]

BRANIFF AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the alteration, amendment, or modification of applicant's certificate of public convenience and necessity for route No. 15, so as to remove therefrom, or modify the restriction governing service to Colorado cities.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that hearing in the above-entitled proceeding is assigned to be held on March 15, 1945 at 10 a. m. (Eastern war time) in the Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner F. A. Law, Jr.

Dated: Washington, D. C., March 6, 1945.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 45-3618; Filed, Mar. 7, 1945; 11:16 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6744]

COPPER CITY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUE

In re application of Copper City Broadcasting Corp. (New), Rome, New York, for construction permit; File No. B1-P-3851.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 27th day of February, 1945;

Upon consideration of an application (filed January 29, 1945) by Copper City Broadcasting Corporation for construction permit for a new standard broadcast station at Rome, New York (File No. B1-P-3851), the Commission not being satisfied that the proposed construction will result in making service available to a community which does not receive primary service from any existing broadcast station;

Now, therefore, it is ordered, That in accordance with the procedure set forth in the Commission's Public Notice of January 25, 1945, the application be, and it is hereby, designated for hearing, to be held at 10 a. m. on the 11th day of April, 1945, upon the following issue:

1. To determine whether the granting of this application would be in conformity with the Commission's Supplemental Statement of Policy of January 16, 1945.

The applicant is hereby given the opportunity to obtain a hearing on such issue by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's rules and regulations. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's rules and regulations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-3607; Filed, Mar. 7, 1945; 10:00 a. m.]

[Docket No. 6745]

HELENA BROADCASTING CO. (KFFA)

ORDER GRANTING PETITION FOR REHEARING AND DESIGNATING ISSUES

In re application of the Helena Broadcasting Co. (KFFA), J. Q. Floyd, et al., Helena, Arkansas, for construction permit; File No. B3-P-3724.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 27th day of February, 1945;

The Commission having under consideration a petition filed February 5, 1945, by A. L. Chilton and Lenore H. Chilton, a partnership, doing business as KGHI Broadcasting Service (KGHI), Little Rock, Arkansas, for rehearing, directed against the action of the Commission January 16, 1945, granting without hearing the above-entitled application; and the opposition filed February 14, 1945, by Helena Broadcasting Company (KFFA), Helena, Arkansas, to the KGHI petition;

It is ordered, That said petition for rehearing be, and it is hereby, granted; the action of the Commission January 16, 1945, granting without hearing the above-entitled application be, and it is hereby, set aside and the said application be, and it is hereby, designated for hearing upon the following issues:

1. To determine the extent of any interference which would result from the simultaneous operation of Station KFFA, as proposed and Station KGHI and KBTM.

2. To determine the areas and populations which may be expected to lose primary service, particularly from Stations KGHI and KBTM should Station KFFA operate, as proposed, and what other broadcast services are available to those areas and populations.

3. To determine the areas and populations which may be expected to gain primary service should Station KFFA operate as proposed, and what other broadcast services are available to those areas and populations.

4. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served through the granting of this application.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 45-3608; Filed, Mar. 7, 1945; 10:00 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A, Special Permit 896]

RECONSIGNMENT OF BEANS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, March 1 or 2, 1945, by Gridley Maxon Co., of car PFE 95786, beans, now on the Chicago Produce Terminal, to Larsen Canning Co., Green Bay, Wisc. (C&NW)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3620; Filed, Mar. 7, 1945; 10:56 a. m.]

[S. O. 70-A, Special Permit 897]

RECONSIGNMENT OF APPLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies

to the reconsignment at Chicago, Illinois, March 2, 1945, by Auster Company, of car PFE 90653, apples, now on the Chicago and North Western Railway, to Duggan & Duggan, Pittsburgh, Pa. (PRR.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3621; Filed, Mar. 7, 1945; 10:56 a. m.]

[S. O. 70-A, Special Permit 898]

RECONSIGNMENT OF TOMATOES AT CINCINNATI, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Cincinnati, Ohio, March 2, 1945, by Gentile Brothers Company, of cars PFE 74540 and URT 87502, tomatoes, now on the Southern Railway, to Leone Fruit and Produce Company, Pittsburgh, Pennsylvania, (P. R. R.), and to Wm. Feans Company, Columbus, Ohio (B. & O.), respectively.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3622; Filed, Mar. 7, 1945; 10:56 a. m.]

[S. O. 70-A, Special Permit 899]

RECONSIGNMENT OF CAULIFLOWER AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, March 3, 1945, by Ben Post, of car ART 18343, cauliflower, now on the Wabash Railroad, to Ben Post, Milwaukee, Wisconsin (Milw.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3623; Filed, Mar. 7, 1945; 10:56 a. m.]

[S. O. 70-A, Special Permit 900]

RECONSIGNMENT OF LETTUCE AT ST. LOUIS, MO.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at St. Louis, Missouri, March 3 or 4, 1945, by United Produce Company, of car SFRD 34752, lettuce, now on the Missouri Pacific Lines, to United Produce Company, Chicago, Illinois (Wabash).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3624; Filed, Mar. 7, 1945; 10:56 a. m.]

[S. O. 70-A, Special Permit 901]

RECONSIGNMENT OF GRAPEFRUIT AT FRESNO, CALIF.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Fresno, California, March 3 or 4, 1945, by California Fruit Growers Exchange, of cars of grapefruit, now on the Southern Pacific Lines; FGEX 35308 to Oakland, California; SFRD 32209 to Portland, Oregon; SFRD 21709 to Seattle, Washington.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3625; Filed, Mar. 7, 1945; 10:56 a. m.]

[S. O. 282, Special Permit 65]

REICING OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing one time only at Chicago, Illinois, March 1, 1945, with 2,000 pounds retop ice for each of following cars on Chicago Produce Terminal, as requested by Schuman Company:

SFRD 4650, lettuce.
PFE 35044, lettuce.
ART 22327, lettuce.
FGE 32434, lettuce.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D C., this 1st day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3626; Filed, Mar. 7, 1945; 10:56 a. m.]

[S. O. 282, Special Permit 66]

REICING OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing one time only March 1, 1945, with 5,000 lbs. rice for PFE 46590, peas, on Chicago Produce Terminal as requested by American Shipping Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3627; Filed, Mar. 7, 1945; 10:57 a. m.]

[S. O. 282, Special Permit 67]

REICING OF CABBAGE AT DETROIT, MICH.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Detroit, Michigan, March 1 or 2, 1945, with not to exceed 2,000 pounds of retop ice, car PFE 40309, cabbage, on the Union Belt of Detroit, as requested by Nathan Gilbert and Sons.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3628; Filed, Mar. 7, 1945; 10:57 a. m.]

[S. O. 282, Special Permit 68]

REICING OF CABBAGE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 1 or 2, 1945, with not to exceed 2,000 pounds of retop ice, car FGE 46019, cabbage, on the Wabash Railroad, as requested by Louie Cohen Co.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 1st day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3650; Filed, Mar. 7, 1945; 10:58 a. m.]

[S. O. 282, Special Permit 68A]

REICING OF CABBAGE, BROCCOLI, CARROTS, SPINACH AND MIXED VEGETABLES AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, N. J., March 2, 1945, with not to exceed 2,000 pounds of retop ice per car, cars PFE 32564, cabbage, on the Pennsylvania Railroad, at Harsimus Cove, and PFE 97249, broccoli, MDT 17070, cabbage, NWX 70541, carrots, FGE 32517, cabbage, NP 98044, carrots, GARX 8033, spinach, ART 20193, mixed vegetables, MDT 22476, spinach, WFE 65560, carrots, all on the Erie Railroad, at Croxton Yard, as requested by Kodish & Zwick.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3651; Filed, Mar. 7, 1945; 10:58 a. m.]

[S. O. 282, Special Permit 69]

ICING OF CABBAGE AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, New Jersey, March 2, 1945, with not to exceed 2,000 pounds of retop ice per car, cars NRC 3661, cabbage, and FGE 21261, cabbage, on the Pennsylvania Railroad, at Harsimus Cove, as requested by Wishnatzki & Nathel.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3629; Filed, Mar. 7, 1945; 10:58 a. m.]

[S. O. 282, Special Permit 70]

ICING OF CABBAGE AT WAVERLY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop-icing, one time only, at Waverly, N. J., March 2, 1945, with not to exceed 2,000 pounds of retop ice, cars MDT 5656, cabbage, and PFE 91052, cabbage, on the Pennsylvania Railroad, as requested by Atlantic Commission Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the

office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3630; Filed, Mar. 7, 1945; 10:58 a.m.]

[S. O. 282, Special Permit 71]

ICING OF LETTUCE AT NEW YORK, N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at New York, N. Y., March 2, 1945, with not to exceed 2,000 pounds of retop ice per car, cars PFE 43132 and URT 5604, lettuce, on the New York, New Haven and Hartford Railroad at Harlem River Station, as requested by Hyman Goldsant & Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3631; Filed, Mar. 7, 1945; 10:58 a. m.]

[S. O. 282, Special Permit 72]

ICING OF CABBAGE AND CARROTS AT JERSEY CITY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Jersey City, N. J., March 2, 1945, with not to exceed 2,000 pounds of retop ice per car, cars URT 35537, cabbage, on the Pennsylvania Railroad at Harsimus Cove, and URT 86641, carrots, on the Erie Railroad, at Pavonia Avenue Team Tracks, as requested by George Fish & Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3632; Filed, Mar. 7, 1945; 10:58 a. m.]

[S. O. 282, Special Permit 73]

ICING OF CAULIFLOWER AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 2, 1945, with not to exceed 2,000 pounds of retop ice, car ART 21874, cauliflower, on the Chicago Produce Terminal, as requested by Schuman Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3633; Filed, Mar. 7, 1945; 10:58 a. m.]

[S. O. 282, Special Permit 74]

ICING OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 2, 1945, with not to exceed 3200 pounds of ice, car PFE 80132, lettuce, on the Chicago Produce Terminal, as requested by Justman Frankenthal Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3634; Filed, Mar. 7, 1945; 10:58 a. m.]

[S. O. 282, Special Permit 75]

ICING OF VEGETABLES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 2, 1945, with not to exceed 2,000 pounds of retop ice, car PFE 43496, vegetables, on the Chicago Produce Terminal, as requested by Schuman Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March, 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3635; Filed, Mar. 7, 1945; 10:58 a. m.]

[S. O. 282, Special Permit 76]

ICING OF CABBAGE AT BALTIMORE, MD.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Baltimore, Maryland, March 2, 1945, with not to exceed 2,000 pounds of retop ice, car PFE 40645, cabbage, on the Pennsylvania Produce Terminal, as requested by Tony Vitrano Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3636; Filed, Mar. 7, 1945; 10:59 a. m.]

[S. O. 282, Special Permit 77]

ICING OF PEAS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 2, 1945, with not to exceed 3,000 pounds of retop ice, per car, cars PFE 38745 and 75406, peas, on the Chicago Produce Terminal, as requested by American Shipping Company.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3637; Filed, Mar. 7, 1945; 10:59 a. m.]

[S. O. 282, Special Permit 78]

ICING OF CABBAGE AT BALTIMORE, MD.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing one time only March 2 or 3, 1945, with not to exceed 2,000 lbs. retop ice, WFE 61610, cabbage, on Pennsylvania Railroad Produce Terminal, Baltimore, Maryland, as ordered by Demarco Company, Inc.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3638; Filed, Mar. 7, 1945; 10:59 a. m.]

[S. O. 282, Special Permit 79]

REICING OF CABBAGE AT DETROIT, MICH.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing one time only March 2 or 3, 1945, with not to exceed 2,000 lbs. retop ice, WFE 49566, cabbage, on Union Belt of Detroit Produce Terminal as ordered by Nathan Gilbert & Sons.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3639; Filed, Mar. 7, 1945; 10:59 a. m.]

[S. O. 282, Special Permit 80]

REICING OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 2 or 3, 1945, with not to exceed 2,000 pounds of retop ice, per car, cars PFE 93492 and 43875, carrots, on the Chicago Produce Terminal, as requested by the Schuman Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3640; Filed, Mar. 7, 1945; 10:59 a. m.]

[S. O. 282, Special Permit 81]

REICING OF CAULIFLOWER AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 2 or 3, 1945, with not to exceed 2,000 pounds of retop ice, car PFE 34734, cauliflower, on the Chicago Produce Terminal, as requested by Arthur Gerber & Co.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3641; Filed, Mar. 7, 1945; 11:00 a. m.]

[S. O. 282, Special Permit 82]

REICING OF LETTUCE AT BALTIMORE, MD.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier

by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Baltimore, Maryland, March 3, 1945, with not to exceed 3,000 pounds of retop ice, car PFE 96122, lettuce, on the Pennsylvania Produce Terminal (P. R. R.), as requested by Zimmerman Brothers, Baltimore, Maryland.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3642; Filed, Mar. 7, 1945; 11:00 a. m.]

[S. O. 282, Special Permit 83]

REICING OF LETTUCE AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at Chicago, Illinois, March 3, 1945, with not to exceed 3,000 pounds of retop ice, car PFE 90896, lettuce, on the Chicago Produce Terminal, as requested by D. M. Jacobsen Co.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3643; Filed, Mar. 7, 1945; 11:00 a. m.]

[S. O. 282, Special Permit 84]

REICING OF RADISHES AT SOUTH CARNEY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at South Carney, N. J., March 3, 1945, with not to exceed 2,000 pounds of retop ice, car WFE 62265, radishes, on the Pennsylvania Railroad at Manhattan Produce Yard, as requested by H. E. Schwitters and Son.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3644; Filed, Mar. 7, 1945; 11:00 a. m.]

[S.O. 282, Special Permit 85]

REICING OF CABBAGE AT SOUTH CARNEY, N. J.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282 insofar as it applies to the retop icing, one time only, at South Carney, N. J., March 3, 1945, with not to exceed 2,000 lbs. of retop ice, car FGE 32857, cabbage, on the Pennsylvania Railroad, at Manhattan Produce Yard, as requested by Herman Pakula.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3645; Filed, Mar. 7, 1945; 11:00 a. m.]

[S. O. 282, Special Permit 86]

REICING OF CARROTS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 282 of February 13, 1945 (10 F.R. 1911), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 282, insofar as it applies to the retop icing, one time only, March 3 or 4, with not to exceed 4,000 lbs. retop ice, FGE 44964, carrots, on Chicago Produce Terminal as ordered by Schuman Company.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3646; Filed, Mar. 7, 1945; 11:00 a. m.]

[S. O. 286, Special Permit 2]

MOVEMENT OF GARBANZOS FROM HOUSTON, TEX.

Pursuant to the authority vested in me by paragraph (C) of the first ordering paragraph of Service Order No. 286 of February 24, 1945 (10 F.R. 2253), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 286 insofar as it applies to the furnishing or supplying of one (1) railroad freight car for loading with, or the transportation or movement of one (1) railroad freight car loaded with, garbanzos (Mexican beans), from Houston, Texas, to Chicago, Illinois, shipped by Southern Warehouse Company, moving on a government bill of lading, consigned to Flavor Service Corporation, routed T&MO, KCS, RI.

This special permit shall become effective at 12:01 p. m., March 2, 1945, and shall expire at 11:59 p. m., March 10, 1945.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the

Director, Division of the Federal Register.

Issued at Washington, D. C., this 2d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3647; Filed, Mar. 7, 1945; 11:00 a. m.]

[S. O. 286, Special Permit 3]

MOVEMENT OF GARBANZOS FROM HOUSTON, TEX.

Pursuant to the authority vested in me by paragraph (C) of the first ordering paragraph of Service Order No. 286 of February 24, 1945 (10 F.R. 2253), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 286 insofar as it applies to the furnishing or supplying of six (6) railroad freight cars for loading with, or the transportation or movement of six railroad freight cars loaded with, garbanzos (Mexican beans), shipped from Houston, Texas, as follows: 1 car consigned to Charles G. Summers, Jr., New Freedon, Pa.; 1 car consigned to Phillip Packing Co., Cambridge, Md.; 4 cars consigned to Beards Erie Basin Stores, Brooklyn, N. Y., for account of Pan American Commercial Company.

This permit shall become effective at 12:01 a. m., March 5, 1945, and shall expire at 11:59 p. m., March 25, 1945.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3648; Filed, Mar. 7, 1945; 11:00 a. m.]

[S. O. 289, Special Permit 1]

UNLOADING OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph of Service Order No. 289 of March 1, 1945 (10 F.R. 2482-83), permission is granted for The Pennsylvania Railroad Company:

To disregard the provisions of Service Order No. 289 only insofar as it applies to the delivery or placement for delivery of car PFE 50985, tomatoes, for unloading by L. D. Goldstein Fruit and Produce Company at Philadelphia, Pennsylvania.

This permission shall become effective only when cars PFE-98123 and PFE 43293, now ordered to be unloaded by that line, have both been completely unloaded and released.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 3d day of March 1945.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 45-3649; Filed, Mar. 7, 1945; 11:00 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 4579]

TARO TAKARA

In re: Real property and a claim owned by Taro Takara, also known as Taru Takara.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Taro Takara, also known as Taru Takara, is Japan and that he is a resident of Japan and a national of a designated enemy country (Japan);

2. That Taro Takara, also known as Taru Takara, is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:

a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. All right, title, interest and claim of any name or nature whatsoever of Taro Takara, also known as Taru Takara, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to him by Sam H. Takara, Territory of Hawaii, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and hereby vests in the Alien Property Custodian the property described in subparagraph 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on January 29, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All of that certain parcel of land (portion of the land described in Royal Patent Number 1666, Land Commission Award Number 8515, Part 4, Apana 1 to Keeni Ana) situate, lying and being on the Southwest side of Kaimuki Avenue between Kapielani Boulevard and Kapahulu Avenue at Paakea, Waikiki, Honolulu, City and County of Honolulu, Territory of Hawaii, and thus bounded and described:—

Beginning at the East corner of this piece of land, being also the North corner of Lot D-1 of the subdivision of Lot D of Land Court Application 1162 and on the Southwest side of Kaimuki Avenue and thence running by azimuths measured clockwise from true South:

1. 340°00' 14.40 feet along Lot D-1 of Land Court Application 1162;
2. 107°09' 77.70 feet along the remainder of L. C. Aw. 8515, Part 4, Apana 1 to Keoni Ana;
3. 144°37' 55.40 feet along same;
4. 210°00' 32.49 feet along L. C. Aw. 6235, Apana 3 to C. Kapaakea to the Southwest side of Kaimuki Avenue;
5. 313°13'30" 119.85 feet along the Southwest side of Kaimuki Avenue to the point of beginning.

Containing an area of 3862 square feet, or thereabouts.

Subject to a right-of-way over and across a strip ten feet wide on the Eastern boundary of Parcel 15, in Zone 2, Section 7, Plat 30, for the purpose of ingress and egress to Kaimuki

Avenue from Parcel 6, in Zone 2, Section 7, Plat 31.

[F. R. Doc. 45-3609; Filed, Mar. 7, 1945; 10:38 a. m.]

[Supp. Vesting Order 4614]

DAIJINGU TEMPLE OF HAWAII

In re: Personal property owned by the Daijingu Temple of Hawaii.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the Alien Property Custodian, after investigation:

1. Having found and determined in Vesting Order Number 3769, dated June 6, 1944, that Daijingu Temple of Hawaii is a national of a designated enemy country (Japan);

2. Finding that Daijingu Temple of Hawaii is the owner of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows: a. Furniture, furnishings, Shinto ornaments and other miscellaneous articles, now in temple building at No. 1503 Liliha Street, Honolulu, T. H., including particularly but not limited to those set forth and described in Exhibit A attached hereto and by reference made a part hereof, and

b. All right, title, interest and claim of any name or nature whatsoever of Daijingu Temple of Hawaii in and to any and all obligations, contingent or otherwise and whether or not matured, owing to it by Thomas L. Miki, Wahiawa, Oahu, Territory of Hawaii, including but not limited to all security rights in and to any and all collateral for any and all such obligations and the right to enforce and collect the same,

is property within the United States owned or controlled by a national of a designated enemy country (Japan);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan);

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby ratifies all acts of any of his employees, agents or representatives by which any of such property was taken into the possession of the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 17, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

1 Wooden cabinet.
5 Chairs (used).
1 Rectangular wooden four-leg table (old).
4 Rectangular prayer tables.
1 Table, narrow, four legs at each end.
35 (Approx.) camp stools, canvas and cloth seats.
1 Ornamental wooden screen, approx. 6' by 7'.
36 (Approx.) pictures and paintings.
6 Wooden stands.
2 Miniature wooden houses.
1 Purple and white figured curtain with ornamental cord threaded throughout.
3 Tom-tom drums (1 small; 2 large).
1 Map (large) of United States and the world.
2 Tree ornaments in wooden pedestals.
2 Tall ornaments (for lamps).
3 Electric light fixtures.
2 Stone flower stands, 3' high.
3 (Approx.) tarpaulins.
2 Faded white window curtains (old).
1 Moving picture screen.
1 Mimeograph machine, model #78, serial #2266, manufacturer, A. B. Dick Co., Chicago.
1 Water cooler, with tap.
3 Round iron cauldron-type ornaments.
— Various marble or stone ornaments on grounds outside temple.
15 Cases (approx.) containing various household articles.
— Various vases, urns, altar ornaments, paper lanterns, wooden shinto ornaments.
2 Rectangular wooden tables, narrow, no drawers.

[F. R. Doc. 45-3610; Filed, Mar. 7, 1945; 10:38 a. m.]

[Supp. Vesting Order 4625]

TOKUE AND YUKI TAKAHASHI

Re: Real property and household furniture and furnishings owned by Tokue Takahashi and Yuki Takahashi.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Having found and determined in Vesting Order Number 3031, dated January 27, 1944, as amended, that Tokue Takahashi and Yuki Takahashi, are nationals of a designated enemy country (Japan);

2. Finding that Tokue Takahashi and Yuki Takahashi are the owners of the property described in subparagraph 3 hereof;

3. Finding that the property described as follows: a. Real property situated in the City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, and

b. Household furniture and furnishings, particularly described in Exhibit B, attached hereto and by reference made a part hereof, presently located on the premises known as 1385 Alewa Drive, Honolulu, Territory of Hawaii,

is property within the United States owned or controlled by nationals of a designated enemy country (Japan);

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, hereby vests in the Alien Property Custodian the property described in subparagraph 3–b hereof, and hereby ratifies all acts of any of his employees, agents or representatives by which any of such property was taken into the possession of the Alien Property Custodian.

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C. on February 20, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

All of that certain parcel of land (portion of the land described in and covered by Land Patent Grant Number 5586 to Alice Tullett) situate, lying and being on the North side of Alewa Heights, Honolulu, City and County of Honolulu, Territory of Hawaii, being Lot "A" of a subdivision of lot number

forty-seven (47), and thus bounded and described:

Beginning at a pipe at the Southwest corner of this piece of land, being also the Southeast corner of Land Court Application No. 620, on the North side of Alewa Heights Road, and running by true azimuths:

1. 127°30′ 148.30 feet along Land Court Application No. 620 to a pipe;
2. 217°30′ 82.45 feet along same to a pipe;
3. 258°47′ 100.00 feet along the South side of Alewa Heights Road;
4. 4°02′ 168.56 feet along Lot "B" of the Subdivision of Grant 5586 to Alice Tullett;
5. 69°39′ 20.00 feet along the North side of Alewa Heights Road to the point of beginning.

Containing an area of 15,940 Square Feet, or thereabouts.

EXHIBIT B

Sanitary couch with mattress.
1 medium sized rug.
1 Brown double wooden bed.
1 high occasional table.
1 Rocker.
1 Rocker.
1 Wicker flower stand.
1 Wicker flower stand.
1 lamp stand.
1 Liberty gas hot water heater.
1 Iron Folding chair.
1 Hotpoint electric stove—4-burner.
2 Picture frames.
Eubank carpet sweeper.
2 Boxes of packed china ware.
1 Hotpoint electric stove—3-burner.
1 Japanese picture—wrapped.
1 crated picture marked "From C. B. Kinney."
1 pr. grass shears.
2 25 feet—hose.
1 lawn mower.
1 Pick.
Hedge clipper.
1 white magazine rack.

[F.R. Doc. 45-3611; Filed, Mar. 7, 1945; 10:38 a. m.]

[Vesting Order 4643]

EMMA REHER

In re: Estate of Emma Reher, deceased; File D-28-9217; E. T. sec. 12013.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Frederick Reher, Christian Reher, Bertha Reher Holst, Martha Reher, Anna Reher, Helene Reher and Wilhelmina Reher, and each of them, in and to the Estate of Emma Reher, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Frederick Reher, Germany.
Christian Reher, Germany.
Bertha Reher Holst, Germany.
Martha Reher, Germany.
Anna Reher, Germany.
Helene Reher, Germany.
Wilhelmina Reher, Germany.

That such property is in the process of administration by Henry F. Reher, as Administrator, acting under the judicial supervision of the Orphans' Court of Schuylkill County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 21, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3612; Filed, Mar. 7, 1945; 10:39 a. m.]

[Vesting Order 4644]

KINJI SAITO

In re: Estate of Kinji Saito, deceased; File D-39-18340; E. T. sec. 12312; H-287.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Kiyoji Saito and Kotoko Saito, and each of them, in and to the Estate of Kinji Saito, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Japan, namely,

Nationals and Last Known Address

Kiyoji Saito, Japan.
Kotoko Saito, Japan.

That such property is in the process of administration by Arthur E. Restarick, as Administrator of the Estate of Kinji Saito, acting under the judicial supervision of the Circuit Court, First Judicial Circuit, Territory of Hawaii;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Japan);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 21, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-3613; Filed, Mar. 7, 1945; 10:39 a. m.]

[Vesting Order 4645]

HENRY SCHAEFFER

In re: Trust under the will of Henry Schaeffer, deceased; File D-28-9262; E. T. sec. 12156.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding;

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Gertrude Jackiewicz and Lucie Jackiewicz, and each of them, in and to the trust created under the will of Henry Schaeffer, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Gertrude Jackiewicz, Germany.
Lucie Jackiewicz, Germany.

That such property is in the process of administration by Land Title Bank and Trust Company and George H. Mullahy, as Execu-

tors and Trustees under the will of Henry Schaeffer, acting under the judicial supervision of the Orphans' Court of Montgomery County, Pennsylvania;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC–1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on February 21, 1945.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45–3614; Filed, Mar. 7, 1945; 10:39 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 260, Amdt. 1 to Order 632]

INFANZEN & RODRIGUEZ, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion accompanying this amendment, and pursuant to § 1358.102 (b) of Maximum Price Regulation No. 260, *It is ordered,* That:

The maximum prices for Yolande Alfonsos cigars set forth in paragraph (a) of Order No. 632 under Maximum Price Regulation 260 are amended to read as follows:

Maximum list price:	*Maximum retail price*
$44 per M	2 for 11¢

This amendment shall become effective March 7, 1945.

Issued this 6th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3594; Filed, Mar. 6, 1945; 11:49 a.m.]

[Order 16 Under 18 (c), Revocation]

HICKORY PICKER STICK BLANKS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and by Executive Orders Nos. 9250 and 9328, *It is ordered:*

That Order No. 16 under § 1499.18 (c), as amended, of the General Maximum Price Regulation be revoked.

This order shall become effective March 12, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45–3673; Filed, Mar. 7, 1945; 11:44 a. m.]

[FPR 1, Order 24 Under Supp. 7]

PACKED FRUITS, BERRIES AND VEGETABLES OF 1944 AND LATER PACKS

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with section 14 (i) of Supplement 7 to Food Products Regulation No. 1, *It is ordered:*

(a) That sales and deliveries of the products covered by Supplement 7 to Food Products Regulation No. 1 of the 1945 pack may be made by processors to government procurement agencies, subject to an agreement between the buyer and seller in each case, that the price shall be determined pursuant to action taken by the Office of Price Administration after delivery.

In any such sale the processor shall not invoice the goods at a price higher than the maximum price in effect at the time of delivery, nor shall he receive payment of more than that price until permitted by action taken by the Office of Price Administration.

(b) This order shall be automatically revoked as to each product referred to in paragraph (a) upon the establishment by the Office of Price Administration of new maximum prices for it.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective March 8, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–3665; Filed, Mar. 7, 1945; 11:48 a. m.]

[Supp. Order 94, Order 34]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

SPECIAL MAXIMUM PRICES FOR CERTAIN ARMY COMPASSES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which U. S. Army compasses hereinafter described may be sold by United States Treasury Department, Procurement Division, and by any subsequent reseller.

(b) *Maximum prices*—(1) *New compasses.* The maximum price per new compass described herein shall be:

Description of compass: U. S. Army Compass, watch size, grained metal hunting type case with radium points and automatic stop, weight 2½ ounces.

	Each
Treasury's price and manufacturer's price to stocking jobber	$1.80
Treasury's price and manufacturer's price to non-stocking jobber	2.00
Manufacturer's price to retailer	2.00
Jobber's price to retailer	2.40
Price of retailers who buy direct from manufacturer	3.60
Price of all other retailers	4.00

(2) *Used compasses.* The maximum price for a used compass described above shall be 75% of the appropriate maximum price set forth in paragraph (b) (1) herein: *Provided,* That

(i) No part is missing which is necessary to make the compass fully useful.

(ii) The compass is in good working condition, can be used by the consumer for the purpose intended without further repair, and the compass is free from dents and its appearance is good.

(3) *Used compasses not covered by paragraph (b) (2).* The maximum price per used compass not covered by paragraph (b) (2) herein shall be 33⅓% of the appropriate maximum price set forth in paragraph (b) (1) herein.

(c) *Discounts and allowances.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the compass described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price, and stating that the retailer is required by this order to attach to each compass before sale a tag or label stating the appropriate retail ceiling price.

(e) *Tagging.* Any person who sells the compasses described in paragraph (b) at retail shall attach to each compass before sale a tag or label which plainly states the appropriate retail ceiling price.

(f) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Jobber" means any person other than a manufacturer who distributes or sells compasses to purchasers other than consumers.

(3) "Stocking jobber" means a jobber as defined in sub-paragraph (2) herein, who normally operates a warehouse, maintains salesmen, and issues catalogues.

(4) "Non-stocking jobber" means a jobber as defined in sub-paragraph (2) herein, who normally does not perform the functions of a stocking jobber.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective March 8, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3674; Filed, Mar. 7, 1945; 11:45 a. m.]

[Supp. Order 94, Order 35]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

SPECIAL MAXIMUM PRICES FOR LINEN DAMASK NAPKINS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new linen damask napkins hereinafter described may be sold by United States Treasury Department, Procurement Division, and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices per new linen damask napkin described herein shall be:

Description of napkin	Treasury's price to wholesaler "where is"	Wholesaler's price and Treasury's price to retailer f. o. b. shipping point	Price for all sales at retail
New 22" linen damask napkin squares, "United States Army Medical Department" woven in center with Medical Department insignia woven in each corner	$0.28	$0.35	$0.58

(1) The maximum price for the sale by one distributor to another of the same type, that is, wholesaler to wholesaler or retailer to retailer, is the Treasury's maximum price to the distributor established by this order plus any charges for transportation actually paid by the distributor who makes the sale to another distributor.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the linen damask napkins described in paragraph (b) to a retailer shall notify the retailer on the invoice of sale of the retailer's maximum reselling price under paragraph (b).

(e) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells linen damask napkins to resellers.

(f) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective March 8, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3675; Filed, Mar. 7, 1945; 11:45 a. m.]

[Supp. Order 94, Order 36]

UNITED STATES TREASURY DEPARTMENT, PROCUREMENT DIVISION

SPECIAL MAXIMUM PRICES FOR SHEEPSKIN LINED COATS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which the new sheepskin lined coats hereinafter described may be sold by United States Treasury Department, Procurement Division, and by any subsequent reseller.

(b) *Maximum prices.* Maximum prices per new sheepskin lined coat described herein shall be:

Description of coat. Olive drab sheepskin lined coat with rubberized outer material, knee length, double breasted, sleeves fleece lined with knitted cuffs, six inch beaverette (lamb) collar, 2 pockets leather reinforced.

(1) Treasury's price to wholesaler, f. o. b. shipping point . . . $13.60 each.

(2) Wholesaler's price and Treasury's price to retailers f. o. b. shipping point . . . $16.80 each.

(3) Price for all sales at retail . . . $26.25.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Notification.* Any person who sells the sheepskin lined coat described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price, and stating that the retailer is required by this order to attach to each coat before sale a tag or label containing the following:

OPA ceiling price $26.25

(e) *Tagging.* Any person who sells the coat described in paragraph (b) at retail shall attach to each coat before sale a tag or label which plainly states the retail ceiling price.

(f) *Definitions.* (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells sheepskin lined coats to resellers.

(g) *Revocation and amendment.* This order may be revoked or amended at any time.

This order shall become effective March 8, 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3676; Filed, Mar. 7, 1945; 11:45 a. m.]

[Supp. Order 94, Order 37]

UNITED STATES NAVY DEPARTMENT

SPECIAL MAXIMUM PRICES FOR SALES OF USED BUOYANCY TYPE DRUMS

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) *What this order does.* This order establishes maximum prices at which used buoyancy type drums hereinafter described may be sold by the United States Navy Department and by any subsequent reseller.

(b) *Maximum prices.* (1) Maximum prices for used buoyancy type drums described herein shall be:

Description of drums	Navy's price to any person "as is" f. o. b. shipping point	Reseller's price to any person "as is" f. o. b. shipping point
Used buoyancy type drum, 55 gallon capacity, 18 gauge steel, closed type, single opening	$1.00	$1.25
Used buoyancy type drum, 20 gallon capacity, 18 gauge steel, closed type, single opening	.75	.95

(2) Maximum prices for used buoyancy type drums described herein when reconditioned shall be:

Description of drums	*Price for sales to user f. o. b. shipping point*
Reconditioned buoyancy type drum, 55 gallon capacity, 18 gauge steel, closed type, single opening	$2.25
Reconditioned buoyancy type drum, 20 gallon capacity, 18 gauge steel, closed type, single opening	1.75

For the purposes of this order a reconditioned drum shall mean a used drum which has been thoroughly cleaned, dedented, painted and fully repaired to insure that the drum is liquid tight, and supplied with the necessary openings, closures and gaskets to make the drum fit for use as a shipping package.

(c) *Discounts.* Every seller shall continue to maintain his customary discounts for cash.

(d) *Records.* All resellers making sales of the commodities covered by this order shall keep and make available for examination by the Office of Price Administration their customary records of all transactions for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

(e) *Relation to other orders.* This order with respect to the drums it covers supersedes Maximum Price Regulation 43, the General Maximum Price Regulation and orders issued thereunder, and orders previously issued under Supplementary Order 94.

(f) *Revocation and amendment.* This order may be revoked or amended at any time.

NOTE: All reporting and record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective March 6, 1945.

Issued this 6th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3601; Filed, Mar. 6, 1945; 4:31 a. m.]

[MPR 188, Order 3418]

WICHITA PRECISION TOOL CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) *Maximum prices.* The maximum prices for all sales and deliveries by any person of the automobile tire pumps which are manufactured by Wichita Precision Company of 731 N. Main Street, Wichita 5, Kansas, which articles are fully described in the manufacturer's application dated December 16, 1944, since Maximum Price Regulation No. 188 became applicable to such sales and deliveries, are as follows:

For sales to jobbers	$0.55
For sales to retailers	.77
For sales to ultimate consumers	1.10

The maximum prices for sales by the manufacturer are f. o. b. Wichita, Kansas and they are subject to a cash discount of 2% for payment within 10 days, net 30 days. The maximum prices for sales by jobbers are f. o. b. seller's city and they are subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(b) *Notification.* At the time of or prior to the first invoice to each purchaser for resale the seller shall notify the purchaser for resale in writing of the maximum prices established by this order for such resales. This written notice may be given in any convenient form.

(c) *Tagging.* To every automobile tire pump delivered to a purchaser for resale, the manufacturer shall attach securely a durable tag or label which states plainly the maximum price to ultimate consumers, and such tag or label may not be removed until after delivery to the ultimate consumer.

(d) *Definitions.* Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 8th day of March 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3680; Filed, Mar. 7, 1945; 11:46 a. m.]

[MPR 188, Order 3419]

BEDFORD RADIO MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250, and 9328, *It is ordered:*

(a) The Bedford Radio Manufacturing Company, 1619 Bedford Avenue, Brooklyn 25, New York, and all other sellers may sell and deliver its radios and phonographs as described in its applications at maximum prices no higher than the following:

Model Number S10, 10 tube, 3 band, AC manual phonograph player, radio-phonograph combination:	
Maximum price for all sales or deliveries by all sellers to distributors and for all sales or deliveries by all sellers to, or on the order of, the Red Cross, U. S. O., or U. S. Government agencies	$ 89.09
Maximum price for all sales or deliveries by all sellers to retailers	111.36
Model Number R62, 6 tube, 2 band, AC-DC table model radio:	
Maximum price for all sales or deliveries by all sellers to distributors and for all sales or deliveries by all sellers to, or on the order of, the Red Cross, U. S. O., or U. S. Government agencies	16.72
Maximum price for all sales or deliveries by all sellers to retailers	20.65
Model Number R6, 6 tube, single band, AC-DC table model radio:	
Maximum price for all sales or deliveries by all sellers to distributors and for all sales or deliveries by all sellers to, or on the order of, the Red Cross, U. S. O., or U. S. Government agencies	15.00
Maximum price for all sales or deliveries by all sellers to retailers	18.00
Model Number R17, 4 tube, AC-DC 110–120 volt, portable phonograph:	
Maximum price for all sales or deliveries by all sellers to distributors and for all sales or deliveries by all sellers to, or on the order of, the Red Cross, U. S. O., or U. S. Government agencies	30.83
Maximum price for all sales or deliveries by all sellers to retailers	38.53

The maximum prices are f. o. b. Brooklyn, New York, subject to a discount of 2%, 10 days. Federal excise tax may be added.

(b) On and after the effective date of this order, the maximum prices (exclusive of Federal excise tax) for all sales at retail of the radios and phonographs described in paragraph (a) are as follows:

Model Number S10, 10 tube, 3 band, AC manual phonograph player, radio-phonograph combination: Maximum price for all sales at retail	$185.60
Model Number R62, 6 tube, 2 band, AC-DC table model radio: Maximum price for all sales at retail	34.50
Model Number R6, 6 tube, single band, AC-DC table model radio: Maximum price for all sales at retail	29.95
Model Number D16, 4 tube, AC-DC 110–120 volt, portable phonograph: Maximum price for all sales at retail	64.21

(c) At the time of or prior to the first delivery, the manufacturer shall attach securely to each unit a durable tag or label, containing a statement in the following form, with the blanks properly filled in:

The retail ceiling price (exclusive of Federal excise tax) is $_____.
The Federal excise tax is $_____.
The manufacturer's model number is _____.
The maximum price for this set is $_____.
The maximum price for this set has been established pursuant to OPA Maximum Price Regulation No. 188, Order No. 3419.

(d) At the time of or prior to the first invoice to each purchaser the seller shall notify the purchaser of the maximum prices, terms, and conditions set by this order.

(e) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) This order shall become effective on the 8th day of March 1945.

Issued this 7th day of March 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-3681; Filed, Mar. 7, 1945; 11:47 a. m.]

Regional and District Office Orders.

[Region II Rev. Order G-18 Under RMPR 122, Amdt. 7]

SOLID FUELS IN ROCHESTER AND MONROE COUNTY, N. Y.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Revised Order No. G-18 is amended in the following respects:

1. The table of service charges contained in paragraph (d) (1) is amended to read as follows:

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser

"Carry" or "Wheel" (except for sales amounting to less than ¼ ton)	75¢ per net ton. 45¢ per net ½ ton. 30¢ per net ¼ ton.
"Carrying upstairs or downstairs", for each floor above or below the ground floor (except for sales amounting to less than ¼ ton). The charge shall be in addition to any charge for "carry" or "wheel."	75¢ per net ton. 45¢ per net ½ ton. 30¢ per net ¼ ton.

2. The table of service charges contained in paragraph (e) (1) is amended to read as follows:

MAXIMUM AUTHORIZED SERVICE CHARGES

Special service rendered at the request of the purchaser

"Carry" or "Wheel" (except for sales amounting to less than ½ ton)	75¢ per net ton.
"Carrying upstairs or downstairs", for each floor above or below the ground floor (except for sales amounting to less than ½ ton). The charge shall be in addition to any charge for "carry" or "wheel."	75¢ per net ton.

This Amendment No. 7 to Revised Order No. G-18 shall become effective on February 18, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 79th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681).

Issued this 16th day of February 1945.

DANIEL P. WOOLLEY,
Regional Administrator.

[F. R. Doc. 45-3555; Filed, Mar. 5, 1945; 4:16 p. m.]

[Region IV Order G-10 Under MPR 188]

CUMMER LIME & MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

Order No. G-10 under Maximum Price Regulation No. 188. Cummer Lime & Manufacturing Company, Jacksonville, Florida. Docket Number: IV-188-79.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region IV of the Office of Price Administration by § 1499.161 (a) (2) of Maximum Price Regulation No. 188, *It is hereby ordered:*

(a) That on and after the effective date of this order Cummer Lime & Manufacturing Company of Jacksonville, Florida, hereinafter referred to as applicant, may increase its maximum prices for building blocks and bricks manufactured by it as follows:

Catalog No.	Size of unit	Type	Increase
			Per 100
1	8 x 8 x 16	Stretcher and joist	$2.00
2	8 x 8 x 16	Single and double end	2.00
3	8 x 8 x 16	Steel jamb (all types)	2.00
4	8 x 8 x 8	Half and lintel	1.00
5	4 x 8 x 16	Stretcher	1.00
6	4 x 8 x 16	Single and double end	1.00
7	4 x 8 x 16	Steel jamb (all types)	1.00
8	4 x 8 x 8	Half stretcher and corner.	.50
9	4 x 8 x 8	Half jamb	.50
10	4 x 8 x 12	Double end	.75
11	5 x 8 x 12	do	.75
12	8 x 12 x 16	Stretcher	3.00
13	8 x 12 x 16	Single and double end	3.00
14	4 x 4 x 16	Partition	.50
15	8 x 4 x 16	do	1.00
16	8 x 6 x 16	do	1.25
17		Brick	[1] 2.00

[1] Per 1,000.

(b) That all allowances, discounts, services, differentiations in classes of purchases, and other differentials customarily made by applicant, shall be maintained.

(c) That any reseller in Region IV purchasing building blocks and bricks from applicant for resale is hereby permitted to increase his present maximum price by an amount not to exceed the increase in his cost resulting from this order.

(d) Except as otherwise provided herein, all transactions of the applicant subject to this order remain subject to the provisions of Maximum Price Regulation No. 188, together with all amendments which heretofore have been or hereafter may be issued.

This order may be revoked, corrected, or amended by the Office of Price Administration at any time.

This order shall become effective February 19, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 14th day of February 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45-3556; Filed, Mar. 5, 1945; 4:16 p. m.]

[Region IV Rev. Order G-15 Under RMPR 122]

SOLID FUELS IN WINSTON-SALEM, N. C.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator, Region IV, Office of Price Administration, by § 1340.260 of Revised Maximum Price Regulation No. 122, *it is hereby ordered:*

(a) *What this order does.* (1) This order establishes maximum prices for sales of specified solid fuels when the delivery is made to any point in the area set out in paragraph (c) hereinafter.

(2) Paragraph (c) of this order contains a price schedule applicable to sales of the solid fuels named therein. Special charges and discounts applicable to such sales are likewise found in that paragraph.

(b) *What this order prohibits.* Regardless of any contract, agreement, or other obligation, no person shall:

(1) Sell or, in the course of trade or business, buy solid fuels at prices higher than the maximum prices set by this order, but less than maximum prices may, at any time, be charged, paid or offered; or

(2) Obtain a higher than maximum price by:

(i) Charging for a service which is not expressly requested by the buyer or which is not specifically authorized by this order;

(ii) Using any tying agreement by making any requirement that anything other than the fuel requested by the buyer be purchased by him; or

(iii) Using any other device by which a higher than maximum price is obtained, directly or indirectly.

(c) *Price schedule, consumer sales.* (1) This price schedule sets forth maximum prices for sales of specified solid fuels when delivery is made to any point within the corporate limits of the City of Winston-Salem, North Carolina, and the area lying within ten miles thereof by the most direct highway route.

(i) "Direct delivery or domestic" basis:

HIGH VOLATILE COALS FROM DISTRICT NO. 8 (EASTERN KENTUCKY, SOUTHWESTERN WEST VIRGINIA, WESTERN VIRGINIA, NORTHERN TENNESSEE, AND NORTH CAROLINA)

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
A. Chunk, block, lump, and egg (size groups 1 and 2):			
1. In price classifications L, M, and N (except from mine index No. 203)	$9.70	$5.10	$2.61
2. From Mine Index Nos. 203, 435, and 3764	10.15	5.33	2.73
B. Lump and egg (size group No. 3):			
1. In price classification A	9.95	5.23	2.68
2. In price classifications P, Q, R, and S	9.35	4.93	2.53
3. From mine index No. 364	9.80	5.15	2.64
C. Lump and egg (size group No. 4):			
1. From mine index Nos. 187 and 725	9.35	4.93	2.53
D. Egg (size group No. 5):			
1. In price classifications B, C, D, and E	9.70	5.10	2.61
2. In price classifications G, H, J and K	9.50	5.00	2.56
E. Egg (size group No. 6):			
1. In price classification A	9.95	5.23	2.68
2. In price classifications G thru N	9.05	4.78	2.45
3. From mine index No. 22	9.60	5.05	2.59
4. From mine index No. 437	9.30	4.90	2.51
F. Egg (size group No. 7):			
1. In price classification A	9.55	5.03	2.58
G. Stoker (size group No. 10):			
1. Price classifications A thru E	8.95	4.73	2.43
2. From mine index No. 419	8.80	4.65	2.39
H. Mine run (size group No. 16):			
1. In price classifications C, D, and E	8.75	4.63	2.38

NOTE: To the prices stated in sections A, B, C, D, E, F, G, and H of Part I may be added 15 cents per ton provided the coal is mined in Subdistrict No. 6 (Southern Appalachian) of Producing District No. 8, and provided it is separately weighed and billed by the dealer. Subdistrict No. 6 includes that portion of District No. 8 which is in Northern Tennessee and the following counties in Kentucky: Bell, Clay, Clinton, Jackson, Knox, Laurel, Leslie, Madison, McCreary, Owsley, Pulaski, Rock Castle, Wayne, and Whitley.

LOW VOLATILE COALS FROM DISTRICT NO. 8 (EASTERN KENTUCKY, SOUTHWESTERN WEST VIRGINIA, WESTERN VIRGINIA, NORTHERN TENNESSEE AND NORTH CAROLINA)

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
A. Egg (size group No. 2):			
1. In price classifications B and C	$9.85	$5.18	$2.65
B. Stove (size group No. 3):			
1. In price classification D	9.85	5.18	2.65
C. Nut (size group No. 4):			
1. In price classifications B, C, and D	9.00	4.75	2.46
D. Pea (size group No. 5):			
1. From mine index No. 391	8.60	4.55	2.34

LOW VOLATILE COALS FROM DISTRICT NO. 7 (SOUTHERN WEST VIRGINIA AND NORTHWESTERN AND CENTRAL VIRGINIA)

Size	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
A. Egg (size group No. 2):			
1. In price classification A	$10.25	$5.38	$2.75
B. Stove (size group No. 3):			
1. In price classification A	9.90	5.20	2.66
C. Nut (size group No. 4):			
1. In price classification A	8.95	4.73	2.43
D. Pea stoker (size group No. 5):			
1. In price classification A	8.70	4.60	2.36
F. Domestic run of mine (size group No. 6):			
1. In price classifications A and B	8.70	4.60	2.36
F. Straight run of mine (size group No. 7):			
1. In price classifications A and B	9.25	4.88	2.50
Berwind briquets	11.00	5.75	2.94

The kinds and sizes of coal priced in this schedule of maximum prices are those customarily sold by dealers in Winston-Salem as reported to the OPA in connection with the establishment of this area ceiling price order and are specifically defined as follows:

HIGH VOLATILE BITUMINOUS COAL FROM DISTRICT NO. 8

Chunk, block, lump and egg (size groups No. 1 and 2). All single-screened block, bottom size larger than 5"; All single-screened lump, bottom size larger than 3", but not exceeding 5"; All double-screened egg coals, top size larger than 6" and bottom size larger than 3" but not exceeding 4".

Lump and egg (size group No. 3). All single-screened lump, bottom size larger than 2", but not exceeding 3"; All double-screened egg coals, top size larger than 3", but not exceeding 6" and bottom size larger than 3", but not exceeding 4".

Lump and egg (size group No. 4). All single-screened lump, bottom size larger than ¾", but not exceeding 2"; All double-screened egg coals, top size larger than 6" and bottom size larger than 2", but not exceeding 3".

Egg (size group No. 5). All double-screened egg coals, top size larger than 5", but not exceeding 6", and bottom size larger than 2", but not exceeding 3", and top size larger than 6", and bottom size 2" and smaller.

Egg (size group No. 6). All double-screened egg coals, top size larger than 5", but not exceeding 6", and bottom size 2" and smaller, and top size 3" and larger, but not exceeding 5" and bottom size larger than 2", but not exceeding 3".

Egg (size group No. 7). All double-screened egg coals, top size larger than 3", but not exceeding 5", and bottom size 2" and smaller.

Stoker (size group No. 10). All double-screened stoker coals, top size not exceeding 1¼" and bottom size less than 1¼".

Mine run (size group No. 16) straight run of mine.

LOW VOLATILE COALS FROM DISTRICT NO. 8

Egg (size group No. 2). All double-screened egg coal, top size larger than 3".

Stove (size group No. 3). All double-screened stove coal top size larger than 1¼" but not exceeding 3".

Nut (size group No. 4). All double-screened nut coal top size larger than ¾" but not exceeding 1¼".

Pea (size group No. 5). All double-screened pea coal, top size not exceeding ¾".

LOW VOLATILE COALS FROM DISTRICT NO. 7

Egg (size group No. 2). Top size larger than 3", bottom size no limit.

Stove (size group No. 3). Top size larger than 1¼", but not exceeding 3", bottom size smaller than 3".

Nut (size group No. 4). Top size larger than ¾" but not exceeding 1¼", bottom size smaller than 1¼".

Pea stoker (size group No. 5). Top size not exceeding ¾", bottom size smaller than ⅜".

Domestic run of mine (size group No. 6). Straight run of mine from which all or part of the screenings, top size ⅜" in Price Classification A or ¾" in Price Classification B have been removed.

Straight run of mine (size group No. 7). Larger than 1¼" x 0.

The mine index numbers in District No. 8 to which reference is made in the Winston-Salem price schedule are defined as follows:

Mine index No. 22. The Anthras Mine of Tennessee Jellico Coal Co.

Mine index No. 187. The Elk Creek #1 Mine of the Elk Creek Coal Co.

Mine index No. 203. The Fleming Mine of Robert Fleming and Company.

Mine index No. 364. The Pardee Mine of the Gibson Fuel Company.

Mine Index No. 391. The Raven Red Ash No. 2 Mine of the Raven Red Ash Coal Co.

Mine index No. 419. The Royal Mine of the Cambria Coal Company.

Mine index No. 435. The #2 Mine of the New Southland Coal Corporation.

Mine index No. 437. The Darby Mine of the Peerless Darby Coal Co., Inc.

Mine index No. 725. The Elk Creek #2 Mine of the Elk Creek Coal Co.

Mine index No. 3764. The #1 Mine of the New Southland Coal Corp.

(2) *Maximum authorized service charges and required deductions*—(i) *Carry or wheel service.* If buyer requests such service, the dealer may charge not more than 50¢ per ton therefor.

(ii) *Sacked coal.* For splint coal in sacks, the dealer may charge not more than 51¢ per 100 pounds.

(iii) *Yard sales.* When a buyer picks up coal at the dealer's yard, the domestic price must be reduced at least $1.00 per ton. On sales to other dealers at the yard, the dealer must reduce the domestic price at least $1.20 per ton.

(iv) *Oil or calcium chloride treatment.* If a dealer's supplier has subjected any bituminous coal covered by this order to oil or calcium chloride treatment to allay dust or to prevent freezing and makes a charge therefor, the dealer selling such coal may add to the applicable maximum price set by this order the amount of such charge, not to exceed 10¢ per net ton. Any such treatment charge shall be stated separately from all other charges on the invoice.

(v) *Quantity.* On carload sales of forty tons or more to a single purchaser in a single order, the dealer may charge not more than the per ton maximum price of the coal at the mine, plus the per ton freight from the mine, plus $1.00 per ton for delivery.

(vi) *Delivery zone.* For deliveries beyond the corporate limits of Winston-Salem, North Carolina, and within ten miles thereof, the dealer may make an additional charge of not more than 10¢ per mile per ton for each mile beyond the corporate limits of such city, with a minimum charge of 50¢ per ton for each such delivery, said mileage to be determined by the actual highway mileage from the city limits to the point of delivery by the most direct highway route.

(vii) *Sales tax.* The State sales tax of 3% may be added to the prices provided in this order.

(viii) *Credit.* No additional charges over the prices provided in this order may be made for the extension of credit.

(ix) *Adjustments of prices of sizes of coal covered by this order when purchased from new supply source allocated by SFAW.* (a) In the event the Solid Fuels Administrator for War allocates sizes of coal priced in this order to the area covered hereby from a new source of supply having a higher delivered cost to the dealer, a dealer purchasing such coal and offering the same for sale to consumers may file an application for adjustment of the prices set by this order to compensate for such higher delivered cost. Dealers desiring such adjustment shall file their application in duplicate with the Charlotte District Office, Office of Price Administration, Charlotte, North Carolina. Each application so filed shall set forth the following:

(1) The size of the coal purchased from the new supply source;

(2) The normal source of his supply of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) as of October and November 1944;

(3) The new supply source of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) thereof;

(4) The difference in the delivered cost (mine cost plus freight) of the coal from the normal source of supply and the delivered cost of the coal from the new source of supply.

(5) The increase proposed to be added by the dealer (which may not exceed the amount of cost differential required to be shown under part (4) of this inferior subdivision (a)), stated on a per ton basis, and also for such less than one ton selling lots as are customarily sold by the dealer.

(b) The increase requested by the applicant shall not be added to the prices established by this order until the district price executive, by letter, acknowledges receipt thereof. If such letter contains a request for additional information or for correction of errors in the application, the increase requested shall not be used until the dealer has furnished such information or made such correction and has received acknowledgment thereof from the district price executive. The increase may be added, however, if no acknowledgment or request for additional information or for correction of the application shall have been mailed to the applicant within ten days from the date of mailing of application or of requested additional or corrective information to the District Office.

(c) The Regional Administrator of the Atlanta Regional Office may at any time disapprove, correct, or modify any requested increase, but such disapproval, correction, or modification shall not be retroactive.

(d) A dealer, in order to make any additions permitted by sub-division (c) (2) (ix), must show the increase as a separate charge on the customer's invoice or sales ticket, bearing the nota-

tion "Increase because of SFAW reallocation of supply source."

(x) *Pricing of new sizes of coal from new supply source allocated by SFAW.* (a) In the event the Solid Fuels Administrator for War allocates coal to the area covered by this order from a new source of supply, and in the event the coal purchased by a dealer from such new supply source is of a size different from the sizes for which prices are set by this order, the maximum price for such different size of coal shall be a price established hereunder upon request for the establishment of such price by the dealer. No such coal may be sold or offered for sale until a price therefor has been established in accordance with the provisions of this subdivision (c) (2) (x). The request for establishment of such price shall be filed in duplicate with the Atlanta Regional Office, Office of Price Administration, Solid Fuels Branch, Candler Building, Atlanta 3, Georgia, and shall set forth the following:

(*1*) The size of the coal purchased from the new supply source;

(2) The supply source of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) thereof;

(3) The size of the coal purchased from the dealer's normal source of supply (and having a price established therefor by this order), having a mine cost most nearly equal to the mine cost of the new size from the new supply source; the source of supply of that size of coal (including mine index number), mine cost of such coal, and freight cost (per ton) thereof;

(*4*) The requested price for the new size from the new supply source (which shall not exceed the mine cost, plus the delivery cost, plus the dealer's normal mark-up).

(b) The price requested by the applicant shall not be used by the dealer until the regional price executive, by letter, acknowledges receipt thereof. If such letter contains a request for additional information or for correction of errors in the application, the price shall not be used until the dealer has furnished such information or made such correction and has received acknowledgment thereof from the regional price executive. The price may be used, however, if no acknowledgment or request for additional information or for correction of the application shall have been mailed to the applicant within 10 days from the date of mailing of the application or of requested additional or corrective information to the Regional Office.

(c) The Regional Administrator of the Atlanta Regional Office may at any time disapprove, correct, or modify any requested price, but such disapproval, correction, or modification shall not be retroactive.

(d) *Ex Parte 148 freight rate increase; transportation tax*—(1) *The freight rate increase.* Since the Ex Parte 148 freight rate increase has been rescinded by the Interstate Commerce Commission, the dealer's freight rates are the same as those of December, 1941; therefore, no dealer may increase any price specified herein on account of freight rates.

(2) *The transportation tax.* Only the transportation tax imposed by section 620 of the Revenue Act of 1942 may be collected, in addition to the maximum prices set by this order. It may be collected only if the dealer states such tax separately from the price of the coal on the invoice. (The tax need not be stated separately on sales to the United States or any agency thereof—see amendment 12 to Revised Maximum Price Regulation No. 122.) No part of this tax may be collected in addition to the maximum prices specified on sales of one-quarter ton or lesser amounts of coal, or on sales of any quantity of bagged coal.

(e) *Addition of increases in supplier's prices prohibited.* The maximum prices set by this order may not be increased by a dealer to reflect increases in his purchase cost or in his supplier's maximum prices occurring after the effective date hereof, but increases in the maximum prices set hereby, to reflect such increases are within the discretion of the Administrator or of the Regional Administrator of Region IV.

(f) *Power to amend or revoke.* This order, or any provision thereof, may be revoked, amended, or corrected at any time by the Administrator or by the regional administrator of Region IV.

(g) *Petitions for amendment.* Any person seeking an amendment of this order may file a petition for amendment with the Administrator in accordance with the provisions of Revised Procedural Regulation No. 1, or in the alternative, may file such petition with the Regional Administrator, Region IV, Office of Price Administration, Candler Building, Atlanta, 3, Georgia. If such petition is filed with the Regional Administrator, action thereon shall be taken by him. When such a petition is filed with the Regional Administrator, all requirements of Revised Procedural Regulation No. 1 relative to the filing of such petitions, are applicable except the place of filing specified therein.

(h) *Applicability of other regulations*—(1) *Licensing and registration.* The provisions of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules, regulations, or orders. A seller whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(2) *Effect of this order on Revised Maximum Price Regulation No. 122.* To the extent applicable, the provisions of this order supersede the provisions of Revised Maximum Price Regulation No. 122.

(i) *Records and reports.* Every person making sales of solid fuels for which maximum prices are established by this order shall keep a record thereof showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in this order. This record shall also separately state each service rendered and the charge made therefor.

(1) It is not necessary that these records of your maximum prices be filed with the War Price and Rationing Board.

(j) *Posting of maximum prices; sales slips and receipts.* (1) Each dealer subject to this order shall post all the maximum prices set hereby for all of his types of sales. He shall post his prices in his place of business in a manner plainly visible to, and understandable by, the purchasing public. He shall also keep a copy of this order available for examination by any person inquiring as to his prices for solid fuels.

(2) Every dealer selling solid fuels for the sale of which a maximum price is set by this order shall, within 30 days after the date of delivery of the fuel, give to the buyer a statement showing: the date of the sale, the name and address of the dealer and of the buyer, the kind, size, and quantity of the solid fuel sold, the price charged, and separately stating any item which is required to be separately stated by this order. This paragraph (j) (2) shall not apply to sales of quantities of less than one-quarter ton or to sales of bagged coal unless the dealer customarily gave such a statement on such sales.

(3) In the case of all other sales, every dealer who during December 1941 customarily gave buyers sales slips or receipts shall continue to do so. If a buyer requests of a seller a receipt showing the name and address of the dealer, the kind, size, and quantity of the solid fuel sold to him, or the price charged, the dealer shall comply with the buyer's request as made by him.

(k) *Enforcement.* (1) Persons violating any provisions of this order are subject to the civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violations of this order are urged to communicate with the nearest District Office of the Office of Price Administration.

(l) *Definitions and explanations.* When used in this order the term: (1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States, any other government, or any agency or subdivision of any of the foregoing.

(2) "Sell" includes sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The terms "sale", "selling", "sold", "seller", "buy", "purchase", and "purchaser" shall be construed accordingly.

(3) "Dealer" means any person selling solid fuels except producers or distributors making sales at or from a mine, a preparation plant operated as an adjunct of any mine, a coke oven, or a briquette plant.

(4) "Direct delivery" means dumping or chuting the fuel from the seller's truck directly into the buyer's bin or storage space; but, if this is physically impossible, the term means discharging the fuel directly from the seller's truck at a point where this can be done and at

the point nearest and most accessible to the buyer's bin or storage space.

(i) "Direct delivery" of bagged fuel or of any fuel in one-quarter ton or lesser lots always means delivery to the buyer's storage space.

(5) "Carry" and "wheel" refer to movement of fuel to the buyer's bin or storage space by wheelbarrow, barrel, sack, or otherwise from the seller's truck or from the point of discharge therefrom when made in the course of "direct delivery".

(6) "Yard sales" means deliveries made by the dealer in his customary manner, at his yard, or at any place other than his truck.

(7) "District No." refers to the geographical bituminous coal producing districts as delineated and numbered by the Bituminous Coal Act of 1937 as amended, as they have been modified by the Bituminous Coal Division and as in effect at midnight, August 23, 1943.

(8) "Lump, egg, stove, stoker, etc." sizes of bituminous coal refer to the size of such coal as defined in the Bituminous Coal Act of 1937, as amended, and as prepared at the mine in accordance with the applicable minimum price schedule as promulgated by the Bituminous Coal Division of the United States Department of the Interior and in effect (or established) as of midnight, August 23, 1943, except that "run-of-mine" shall be that size sold as such by the dealer.

(9) Except as otherwise provided herein, or except as the context may otherwise require, the definitions set forth in § § 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to the terms used herein.

(m) This Revised Order No. G–15 under Revised Maximum Price Regulation No. 122 incorporates substantially the same provisions as are found in Order No. G–15 under Revised Maximum Price Regulation No. 122, except that, as stated in the accompanying opinion, certain provisions resulting from changes in supply sources under orders of the Solid Fuels Administrator for War have been added; therefore, as of the effective date hereof, this revised order supersedes said Order No. G–15.

The record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective February 15, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued February 9, 1945.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 45–3557; Filed, Mar. 5, 1945; 4:15 p. m.]

[Region VIII, Order G–1 Under SR 15, Amdt. 7]

FLUID MILK IN OREGON AND WASHINGTON

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and special authorization conferred by the Price Administrator, Order No. G–1 under § 1499.75 (a) (9) is hereby amended as follows:

(a) Paragraph (a) is amended by changing the heading "the counties of Lincoln, Coos, Douglas (West of Coast Range), Lane (West of Coast Range), the City of La Grande, the Counties of Lake and Curry in the State of Oregon and the Counties of Wahkiakum, Cowlitz (except the Cities of Longview and Kelso), Klickitat, Clark (except the Cities of Vancouver, Camas, and Washougal), and Skamania in the State of Washington, to read "The Counties of Lincoln, Coos, Douglas (West of Coast Range), Lane (West of Coast Range) (Except the Town of Florence), the City of La Grande, the Counties of Lake and Curry in the State of Oregon and the Counties of Wahkiakum, Cowlitz (Except the Cities of Longview and Kelso), Klickitat, Clark (Except the Cities of Vancouver, Camas, and Washouga), and Skamania in the State of Washington".

(b) Paragraph (a) is amended by changing the heading "The Counties of Baker, Gilliam, Grant, Sherman, Wheeler, and Wallowa (Except the Towns of Enterprise, Wallowa, and Joseph), in the State of Oregon", to read: "The Counties of Baker, Gilliam (Except the Town of Condon), Grant, Sherman, Wheeler, and Wallowa (Except the Towns of Enterprise, Wallowa, and Joseph), in the State of Oregon".

(c) Paragraph (a) is hereby amended by adding at the end thereof the following:

THE TOWN OF FLORENCE IN THE STATE OF OREGON

Quantity	Wholesale price raw milk	Retail price raw milk	Retail price pasteurized milk
	Cents	*Cents*	*Cents*
Quart	11	13	15
Pint	6	8	----------
Half-pint	3.5	5	----------

THE TOWN OF CONDON IN THE STATE OF OREGON

Quantity:	*Retail price (cents)*
Quart	14
Pint	8
Half-pint	5

This amendment shall become effective February 14, 1945.

Issued this 13th day of February 1945.

GEORGE MONCHARSH,
Acting Regional Administrator.

[F. R. Doc. 45–3562; Filed, Mar. 5, 1945; 4:14 p. m.]

[Region VIII Order G–6 Under MPR 188]

CONCRETE BUILDING BLOCKS IN CALIFORNIA

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.161 (a) (2) of Maximum Price Regulation No. 188, Order No. G–6 under said section is hereby amended in the following respects:

(a) The following is added to paragraph (b):

Provided, however, That in Twenty-nine Palms, California, and Joshua Tree Townsite, California, the adjusted maximum prices of producers of concrete building blocks shall be as follows:

F. o. b. plant		Addition for delivery	
Maximum price per 1,000 blocks		Miles from producer's plant	
Dimensions	Hollow	Under 10	10 or more
4" x 4" x 12"	$46.00	$10.00	$15.00
4" x 6" x 12"	58.00	10.00	15.00
4" x 8" x 12"	70.00	10.00	15.00

(b) This amendment shall become effective immediately.

Issued this 14th day of February 1945.

GEORGE MONCHARSH,
Acting Regional Administrator.

[F. R. Doc. 45–3563; Filed, Mar. 5, 1945; 4:13 p. m.]

[Region VIII Order G–9 Under MPR 355]

FABRICATED MEAT CUTS IN TAHOE VALLEY, CALIF., AREA

By virtue of the authority vested in me by the provisions of section 5 (c) of Maximum Price Regulation No. 336, section 5 (c) of Maximum Price Regulation No. 355 and section 5 (c) of Maximum Price Regulation No. 394, I am empowered to declare specific areas in the region under my jurisdiction to be deficient in supplies of fabricated meat cuts where I find that the following conditions exist therein:

(1) That purveyors of meals are unable to purchase fabricated meat cuts in volume sufficient to supply their requirements;

(2) That the deficiency in supplies of fabricated meat cuts is caused by the fact that there are no sellers of fabricated meat cuts located in the area;

(3) That purveyors of meals located in the area customarily relied upon, and must continue to rely upon retail sellers for their necessary supplies of meat.

I have investigated the situation existing in the Tahoe Valley Area, comprising those portions of El Dorado and Placer Counties, California, lying east of the crest of the Sierra Nevada, and those communities located on California State Highway No. 50 from Kyburz to the crest of the Sierra Nevada, and as a result of that investigation I find:

(1) That purveyors of meals located in that area are unable to obtain supplies of fabricated meat cuts adequate to fill their needs. This conclusion is based upon the fact that purveyors of meals within the area are unable to obtain fabricated meat cuts in sufficient volume to supply their requirements. The pur-

chase of ration quotas of meat has been made by purveyors of meals from retail markets, for there are no wholesalers or hotel supply houses in the area who fabricate meat locally. Purveyors of meals have customarily relied upon retail dealers, and they must continue to rely upon retail sellers for supplies of meat sufficient to meet their requirements.

This declaration shall be effective as of January 26, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; MPR 336, 8 F.R. 2859; MPR 355, 8 F.R. 4423; MPR 394, 8 F.R. 6364)

Issued this 23d day of January 1945.

CHAS. R. BAIRD,
Regional Administrator.

[F. R. Doc. 45-3559; Filed, Mar. 5, 1945; 4:17 p. m.]

[Region VII Rev. Order G-13 Under 18 (c), Amdt. 2]

FIREWOOD IN MONTANA

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and § 1499.18 (c) of the General Maximum Price Regulation, and for the reasons set forth in the accompanying opinion, this Amendment No. 2 is issued.

1. Paragraph (e) of Revised Order No. G-13 is deleted and a new paragraph (e) is inserted, to read as follows:

(e) Beginning with 12:01 o'clock a. m. on May 1, 1943, paragraphs (6) (i) (ii) and (iii) hereof shall stand suspended and inoperative until 12:01 o'clock a. m. on February 15, 1945, at which time the same shall again become operative and be in full force and effect until May 1, 1945. And during each period of twelve months after May 1, 1945, said paragraphs of this Revised Order No. G-13 shall stand suspended and inoperative from May 1 to February 15, and shall be in full force and effect from February 15 to May 1.

2. *Effective date.* This Amendment No. 2 shall become effective on February 15, 1945.

Issued this 14th day of February 1945.

RICHARD Y. BATTERTON,
Regional Administrator.

[F. R. Doc. 45-3558; Filed, Mar. 5, 1945; 4:15 p. m.]

[Region VIII Order G-98 Under 18 (c), Amdt. 1]

ALDER, MAPLE AND COTTONWOOD LUMBER IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, the above-named order is amended in the following respects:

(a) The title is amended by deleting the word "Mill" therefrom.

(b) Paragraph (a) is amended to read as follows:

(a) The adjusted maximum prices at which producers, wholesalers, or distribution yards (as defined in 2d Revised Maximum Price Regulation No. 215) may sell or deliver lumber (as described herein) made from Alder, Maple, and Cottonwood are as shown herein.

(c) Paragraph (b) is amended to read as follows:

(b) *Applicability.* This order applies to all such sales and deliveries in Region VIII of such lumber manufactured in Canada (west of the crest of the Cascade Range) or in Region VIII. "Region VIII" comprises the states of California, Washington, Nevada, Oregon (except Malheur County), Arizona (except those portions of Coconino and Mohave Counties lying north of the Colorado River), and the following counties in the State of Idaho: Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone, and Idaho.

(d) The first sentence of paragraph (c) is amended to read as follows:

The maximum prices for producers or wholesalers per 1000 feet board measure are set forth herein.

(e) Subdivision (1) of paragraph (a) is amended by changing the expressions "No. 2 or Better" and "No. 1 or Better" to read, respectively "No. 2 and Better" and "No. 1 and Better".

(f) At the end of subdivision (1) of paragraph (a) the following is added: "No. 2 and Better" and "No. 1 and Better" mean the entire outturn of the log of Grade No. 2 or Grade No. 1, as the case may be, or better.

(g) The following sentence is added to subdivision (7) of paragraph (c): However, when a truck haul precedes rail shipment no addition may be made for the truck haul.

(h) Subparagraph (c) (7) is amended to read as follows:

(7) The above prices are f. o. b. mill, except that in the case of lumber manufactured in Canada (west of the crest of the Cascade Range), such prices are f. o. b. Seattle. If the sale is made on a delivered basis to any other point, an addition may be made for the actual transportation cost incurred by the seller from the mill to destination or, in the case of such Canadian lumber, for transportation cost from Seattle to destination, in either case not exceeding the lowest common carrier rate for the haul.

(i) Paragraphs (d), (e), and (f) are redesignated (e), (f), and (g), respectively, and a new paragraph (d) is added, as follows:

(d) The maximum prices for distribution yards (as defined in 2d Revised Maximum Price Regulation No. 215) are those established by the General Maximum Price Regulation or the following, whichever is higher:

(1) The mill price (as provided by paragraph (c)), plus

(2) Freight from Seattle, Washington, to destination, based upon the appropriate weight set forth below, plus

(3) $10.00 per thousand feet, board measure, plus

(4) 10% of (1), (2), and (3) above.

WEIGHTS PER MBM

	Alder	Maple	Cottonwood
Rough	3,500 lb.	3,800 lb.	3,000 lb.
S2S	3,000 lb.	3,300 lb.	2,500 lb.

(j) This amendment shall become effective immediately.

Issued this 13th day of February 1945.

GEORGE MONCHARSH,
Acting Regional Administrator.

[F. R. Doc. 45-3561; Filed, Mar. 5, 1945; 4:14 p. m.]

[Region VIII Order G-100 Under 18 (c), Amdt. 2]

PULPWOOD IN SAN FRANCISCO REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region VIII of the Office of Price Administration by § 1499.18 (c), as amended, of the General Maximum Price Regulation, Order No. G-100 under said section is amended in the following respects:

(a) Table 3 of Appendix A is amended by changing the expression "White Fir and Spruce" to read "White Fir, Spruce, and Hemlock" and by changing the length designation of such wood from "100'" to read "100'' or longer".

(b) This amendment shall become effective immediately.

Issued this 13th day of February 1945.

GEORGE MONCHARSH,
Acting Regional Administrator.

[F. R. Doc. 45-3560; Filed, Mar. 5, 1945; 4:15 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-743, 7-744, 7-745, 7-746, 7-747, 7-748]

AMERICAN & FOREIGN POWER CO., INC., ET AL.

ORDER GRANTING APPLICATIONS TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of March, A. D. 1945.

In the matter of applications by the Philadelphia Stock Exchange to extend unlisted trading privileges to American & Foreign Power Company, Inc., $7 Cumulative 2d Preferred Stock, Series A, No Par Value, File No. 7-743; The Flintkote Company, Common Stock, No Par Value, File No. 7-744; The Sparks-Withington Company, Common Stock, No Par Value, File No. 7-745; Trans Lux Corporation, Common Stock, $1 Par Value, File No. 7-746; Union Bag & Paper Corporation, Capital Stock, No Par

Value, File No. 7–747; and York Corporation, Capital Stock, $1 Par Value, File No. 7–748.

The Philadelphia Stock Exchange having made application to the Commission, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1, for permission to extend unlisted trading privileges to the abovementioned securities;

After appropriate notice a hearing having been held in this matter at the Philadelphia office of the Commission;

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the applications of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to the following securities:

American & Foreign Power Company, Inc., $7 Cumulative 2d Preferred Stock, Series A, No Par Value.

The Flintkote Company, Common Stock, No Par Value.

The Sparks-Withington Company, Common Stock, No Par Value.

Trans Lux Corporation, Common Stock, $1 Par Value.

Union Bag & Paper Corporation, Capital Stock, No Par Value.

York Corporation, Capital Stock, $1 Par Value.

be and the same are hereby granted so long as such securities shall remain listed and registered on any other national securities exchange.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–3604; Filed, Mar. 6, 1945; 4:43 p. m.]

[File Nos. 70–1034, 31–532]

ENGINEERS PUBLIC SERVICE CO. AND DONNER ESTATES, INC.

NOTICE OF FILING AND ORDER FOR HEARING AND CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of March 1945.

Notice is hereby given that Engineers Public Service Company (Engineers), a registered holding company, and Donner Estates, Inc. (Donner), a corporation organized and existing under the laws of the State of Pennsylvania, have filed with this Commission applications or declarations (or both), pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations issued by this Commission thereunder.

All interested persons are referred to said documents, which are on file in the office of the Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Engineers proposes to sell to Donner (as the representative of and acting for and on behalf of Wilmington Trust Company, Delaware Trust Company and Union Trust Company of Pittsburgh as Trustee under certain trusts created by William H. Donner or members of his family and on behalf of International Cancer Research Foundation) all of its investment in Savannah Electric and Power Company (Savannah), an electric utility company and subsidiary of Engineers, comprising 5,500 shares of First Preferred or Debenture Stock, Series A (8%), and 133,146 shares of Common Stock for the sum of 3,387,000 (being $2,700,000 for the Common Stock and $687,500 for the First Preferred or Debenture Stock), subject to certain adjustments to the closing date of the sale.

It is stated by the applicants or declarants as one of several conditions to the contract of sale that on or before the closing date Donner shall have completed arrangements satisfactory to it and approved by the board of directors of Savannah for the retirement and refunding of all of Savannah's presently outstanding First and Refunding Mortgage Bonds, Series D (4%) and Series F (5%) and Consolidated Mortgage Bonds, 5%, in the aggregate principal amount of $7,330,000, and First Preferred or Debenture Stocks, Series A (8%), Series B (7½%), Series C (7%) and Series D (6½%), in the aggregate par value of $1,936,300, through the issuance and sale by Savannah of $6,000,000 of new bonds at a cost of money to Savannah not in excess of 3¾% per annum and the issuance and sale by Savannah of $3,000,000 of notes at a cost of money to Savannah not in excess of 3% per annum. The above arrangements, as well as the proposed transactions, are subject to all necessary orders or approvals of all Federal and State regulatory authorities having jurisdiction in the premises.

The said application or declaration (or both) of Engineers also contains the request that the sale of Engineers' common stock interest in Savannah be exempted from the provisions of paragraphs (b) and (c) of Rule U-50 pursuant to paragraph (a) (5) of said rule.

Engineers has further requested the Commission to issue an appropriate order and findings in connection with the proposed transactions hereinabove described, conforming to the requirements of sections 373 (a) and 1808 (f) of the Internal Revenue Code.

As part of this program, Donner requests, pursuant to section 3 (a) (3) (A), that it be exempt as a holding company from all the provisions of said act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said applications or declarations (or both) shall not be granted or permitted to become effective except pursuant to further order of this Commission; and

It further appearing to the Commission that the issues presented by the applications or declarations (or both) of Engineers (File No. 70–1034) and of Donner (File No. 31–532) involve common questions of law and fact and should be consolidated and heard together;

It is ordered, That the proceedings in these matters be and they hereby are consolidated and that a consolidated hearing under the applicable provisions of the act and rules of the Commission promulgated thereunder be held on March 21, 1945 at 11:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, in such room as the hearing room clerk in Room 318 will at that time advise. All persons desiring to be heard or otherwise wishing to participate in the proceedings shall file with the Commission on or before March 19, 1945, a written request relative thereto, as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing copies of this order by registered mail to Engineers Public Service Company, Donner Estates, Inc. and the Georgia Public Service Commission; and notice of said hearing shall be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications or declarations (or both), particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed transactions meet the requirements of section 12 (d) of the act and Rule U-44 thereunder.

2. Whether the consideration to be received for the common stock of Savannah is reasonable.

3. Whether compliance with the requirements of paragraphs (b) and (c) of Rule U-50 is necessary or appropriate in connection with the sale of the common stock of Savannah by Engineers.

4. Whether the transactions are necessary to effectuate the provisions of section 11 (b).

5. Whether Donner is entitled to exemption as a holding company pursuant to section 3 (a) (3), or otherwise.

6. Whether, and to what extent, it is necessary or appropriate in the public interest to impose terms and conditions with respect to the capital structure of Savannah.

7. Whether the accounting treatment proposed in connection with the consummation of the transactions is appropriate.

8. Generally, whether the proposed transactions and the application for exemption are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder and, if not, what terms and conditions should be imposed to satisfy the statutory standards.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 45–3605; Filed, Mar. 6, 1945; 4:43 p. m.]

WAR FOOD ADMINISTRATION.

Office of Marketing Services.

[P. & S. Docket No. 425]

SIOUX CITY STOCK YARDS CO.

ORDER OF MODIFICATION OF RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181–231), the Secretary of Agriculture on December 13, 1934, issued an order prescribing reasonable rates and charges for stockyard services rendered by the respondent.

On August 15, 1935, and November 6, 1937, pursuant to petitions for temporary modifications filed on July 31, 1935, and October 28, 1937, respectively, by the respondent, the Secretary issued orders modifying the rates and charges prescribed in the order of December 13, 1934.

On November 27, 1942, the Secretary issued an order further modifying the rates and charges prescribed in the order of December 13, 1934, as modified by the orders of August 15, 1935, and November 6, 1937. The rates prescribed by the order of November 27, 1942, have continued in effect to the present time.

In its petitions for modifications filed on July 31, 1935, and October 28, 1937, the respondent agreed that the Secretary could, without further hearing, order reductions of respondent's rates and charges for services rendered by respondent at its stockyard, from time to time, whenever the Secretary found, after such investigation as was deemed proper in the circumstances, that such reductions were warranted, with the understanding, however, that no reduction would be made below the rates and charges fixed by the order of December 13, 1934, without respondent's consent, except after a hearing, pursuant to the Packers and Stockyards Act, 1921, as amended. The respondent further agreed to submit not later than the 10th day of each month an itemized statement of revenues and expenses of the preceding month, including details as to the volume of livestock receipts handled and quantity of feed and bedding sold, and agreed to notify the Secretary of any change or changes in the scale of wages and salaries paid to respondent's employees and officials.

An analysis of the monthly reports filed by the respondent covering its operations for the fiscal year ending October 31, 1944, demonstrates that after adjusting the operating expenses in the manner followed in the order of December 13, 1934, the respondent earned, before payment of Federal and State income taxes, $659,250.40, which is approximately 17.8 percent on the rate base found in said order of December 13, 1934.

It is concluded, therefore, that the rates and charges for services prescribed in the order of modification of November 27, 1942, are unreasonable and should be reduced.

Order. Within 10 days from the date of this decision, the respondent shall file and publish pursuant to the act and the regulations thereunder, a tariff showing the following rates and charges for stockyard services it furnishes to become effective 20 days from the date of this decision and to continue in effect until further order:

YARDAGE

	Cattle	Calves	Hogs	Sheep and goats	Horses and mules
	Cents	*Cents*	*Cents*	*Cents*	*Cents*
Received by vehicle or on foot	36	21	12	10	40
Received by rail	28	18	10	7	35
Resold or reweighed for purposes of sale	18	10	6	4	-------
Shipments direct to packers	14	9	5	3½	-------

FEED AND BEDDING

Prairie hay, current market price, f. o. b. stockyards, plus 50¢ per cwt.

Alfalfa, current market price, f. o. b. stockyards, plus 50¢ per cwt.

Corn, current market price, f. o. b. stockyards, plus 40¢ per bu.

Oats, current market price, f. o. b. stockyards, plus 25¢ per bu.

Bedding (hay or straw), current market price, f. o. b. stockyards, plus 35¢ per bale.

The charges made for the above by respondent shall be divisible by 5 and respondent shall amend said charges when the margin between the cost and sale price of feed and bedding varies $0.05 from the margin as specified above.

Copies of this order shall be served upon the respondent by registered mail or in person and upon the Office of Marketing Services.

Done at Washington, D. C., this 6th day of March, 1945.

THOMAS J. FLAVIN,
Assistant to the War Food Administrator.

[F. R. Doc. 45-3654; Filed, Mar. 7, 1945; 11:10 a. m.]

WAR PRODUCTION BOARD.

[C-273]

PAUL I. KLEVEN

CONSENT ORDER

Paul I. Kleven purchased a house at 114 Chestnut Street, Haverhill, Massachusetts about August 1944 and sometime in November 1944 began construction, including alterations, additions, modernization, and certain necessary maintenance and repair work at an estimated cost of approximately $4,000.00. The cost of alterations and additions was substantially in excess of the $200.00 limit permitted by War Production Board Conservation Order L-41. On December 6th, Paul I. Kleven was warned against any further violation of L-41 by the War Production Board and construction was stopped.

Paul I. Kleven admits this violation of Conservation Order L-41, as stated above, but denies that it was wilful and does not care to contest the issue of wilfulness. Wherefore, upon the agreement and consent of Paul I. Kleven, the Regional Compliance Chief, the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) Neither Paul I. Kleven, his successors or assigns nor any other person shall do any construction on the premises located at 114 Chestnut Street, including additions or alterations to the structure unless hereafter specifically authorized in writing by the War Production Board or the Federal Housing Administration.

(d) Nothing contained in this order shall be deemed to relieve Paul I. Kleven, his successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except insofar as same may be inconsistent with the provisions hereof.

Issued this 6th day of March 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-3603; Filed, Mar. 6, 1945; 4:31 p. m.]